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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 12th May 1960 :—

Issue No.	No. and date	Issued by	Subject
96	S.O. 1164, dated 5th May, 1960.	Ministry of Law	Declaration regarding bye-election to the House of the People in the Calcutta South-West Parliamentary Constituency.
97	S. O. 1165, dated 6th May, 1960.	Ministry of Home Affairs.	Amendments to S.O. 2297, dated 3rd November, 1958.
98	S. O. 1233, dated 12th May, 1960.	Ministry of Commerce and Industry.	Appointment of members of the Tea Board until 31st March 1963.
99	S. O. 1234, dated 12th May, 1960	Ministry of Information & Broadcasting.	Approval of film specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 10th May, 1960

S.O. 1243.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 15 of 1960 presented to the Commission on the 6th May, 1960, under section 81 of the said Act, by Shri A. L. Chopra, 95 Hazra Road, Calcutta calling in question the election to the Council of States by the elected members of the West Bengal Legislative Assembly of Shri Sudhir Kumar Ghosh, 7/5, Shmashan Kalitala Road, P.O. Barisha, Calcutta.

Received by Registered Post this the Sixth day of May, One Thousand Nine Hundred and Sixty.

The 6th May, 1960.

Sd./- C. B. LAL,
Under Secretary,
Election Commission, India.

BEFORE THE ELECTION COMMISSION

ELECTION PETITION NO. 15 OF 1960

A. L. Chopra son of late R. R. Chopra residing at 95, Hazra Road, Calcutta.—
Petitioner.

Versus

1. Sudhir Kumar Ghosh son of Abinash Chandra Ghosh alleged to be residing at 7/5, Sashan Kalitola Road, Behala, District 24 Parganas.
2. Ava Maity residing at P. 14 Durga Charan Mitra Street, Calcutta-6.
3. Mriganka Mohan Sur, residing at 163, Lower Circular Road, Calcutta.
4. Biren Roy, residing at Souren Ray Road, Behala, Calcutta-34.
5. Rajpat Singh Doogar, residing at 84, Sambhunath Pandit Street, Calcutta-20—
Respondents.

The humble petition of the petitioner above named most respectfully Sheweth:—

1. That your petitioner is a citizen of India and is an elector of Calcutta South East Parliamentary Constituency Part 27B Serial No. 406 and he is duly qualified to be chosen as a representative of the State of West Bengal in the Council of States.

2. On or about 23rd February 1960 the President of India by a Notification in the Gazette of India called upon the elected members of the West Bengal Legislative Assembly to elect five members to the Council of States.

3. That on 23rd of February 1960 Sri A. R. Mukherjea the Returning Officer issued a notice of Election under Rule 3 of the Rules framed under the Representation of the People Act 1951 fixing 4th March 1960 as the last date for filing Nomination Papers at the aforesaid election. It was further notified that the scrutinies of nomination will be on 7th March, and withdrawal on or before 10th, and the Poll shall take place on the 24th March 1960.

4. That your petitioner was a duly nominated candidate at the said election. The aforesaid opposite parties 1 to 5 were the other candidates who also presented Nomination Papers at the said election.

5. That the Nomination Paper of the said Sudhir Kumar Ghosh was filed without complying with the mandatory requirements of the Representation of People Act 1951. The said Sudhir Kumar Ghosh did not file or produce any certified copy of the relevant entry of his name in the Calcutta South West Parliamentary Constituency of which he claimed to be an elector.

6. The said Sudhir Kumar Ghosh instead, produced a certified copy of an alleged extract of the "List of Voters" under Rule 26(6) prepared in 1960 in respect of Behala Assembly Constituency, together with extract from Delimitation of Parliamentary and Assembly Constituencies Order 1956, issued by the Chief Electoral Officer, West Bengal.

7. On 7th March 1960 the Returning Officer declared that Sri Sudhir Kumar Ghosh, Sri M. M. Sur, R. S. Doogar, Biren Roy and Shrimati Ava Maity and Sri A. L. Chopra were validly nominated.

8. That on 24th March 1960 the aforesaid Biennial Election to the Council of States from West Bengal Legislative Assembly was held and at the said election the following were declared to have been elected to the Council of States:

1. Rajpat Singh Doogar
2. Ava Maity

3. Biren Roy
4. Mriganka Mohan Sur
5. Sudhir Kumar Ghosh

9. Your petitioner states that the said Sudhir Kumar Ghosh on the date of his election was not qualified to be chosen to fill the aforesaid seat in the Council of States. The Returning Officer improperly accepted the Nomination Paper of the said Sudhir Kumar Ghosh, as Sudhir Kumar Ghosh had not even substantially complied with Section 33(5) of the Representation of People Act 1951. The Returning Officer should have rejected the said nomination paper under Section 36(2)(b) of the said Act.

10. The said Sudhir Kumar Ghosh was not an Elector in the State of West Bengal in 1959. The said Sudhir Kumar Ghosh was guilty of corrupt practice as he obtained and/or procured the improper assistance of the Electoral Registration Officer, Assistant Electoral Registration Officer and the Chief Electoral Officer for the furtherance of his prospects of being elected, all of whom are gazetted officers.

11. The purported entry of the name of Sudhir Kumar Ghosh in the Electoral Roll of Behala Assembly Constituency was made in non-compliance with the provisions of the Representation of People Act 1950 and the Rules framed thereunder.

12. In the premises the results of the aforesaid Biennial Election to the Council of States held on 24th March 1960 was materially affected and the election of the said Sudhir Kumar Ghosh was void. Your petitioner sets out the particulars hereinafter.

13. Your petitioner states that the said election of the Respondent Sudhir Kumar Ghosh to the Council of States from West Bengal was and is void *inter alia*, on the following grounds:—

A. The Nomination Paper of the said Sudhir Kumar Ghosh was improperly accepted as he was not an elector of any Parliamentary Constituency in the State of West Bengal.

- (i) In 1959 a special revision of the Electoral Roll of Behala Assembly Constituency was ordered by the Election Commission which was duly conducted under Rules 1 to 23 of the REPRESENTATION of People (Preparation of ELECTORAL ROLL) Rules 1956. The name of said Sudhir Kumar Ghosh was not entered in the revised final Electoral Roll of Behala Assembly Constituency for 1959.
- (ii) The aforesaid Sudhir Kumar Ghosh purported to apply to the Electoral Registration Officer, Behala Assembly Constituency by an application dated 22nd January 1960 in Form 4 of the Representation of People (Preparation of Electoral Rolls) Rules 1956. This application was purported to be received in the office of the Electoral Registration Officer on 16th February 1960. On 23rd February 1960 the Assistant Electoral Registration Officer passed an illegal order for inclusion of the name of Sudhir Kumar Ghosh in the Electoral Roll of the Behala Assembly Constituency.
- (iii) The said Sudhir Kumar Ghosh for the furtherance of his prospects in the 1960 Biennial Election of Rajya Sabha obtained and/or procured the said inclusion of his name in the Electoral Roll by the improper assistance of the Electoral Registration Officer and the Assistant Electoral Registration Officer of the Behala Assembly Constituency.
- (iv) The annual revision proceeding for the Behala Assembly Constituency having commenced on 1st January 1960, on 23rd February 1960 the Electoral Registration Officer or Assistant Electoral Registration Officer was not legally competent to pass any orders on the said application which was received on 16th February 1960.
- (v) Your petitioner submits that the entry of Sri Sudhir Kumar Ghosh in the Electoral Roll of 1959 was not legally made. Your petitioner craves leave to produce certified copies of said entry obtained from the different authorities to prove the illegal and the inconsistent character of this entry.

- B. Your petitioner states that the said Sudhir Kumar Ghosh was not ordinarily resident of the Behala Assembly Constituency on the qualifying date for the inclusion in the Electoral Roll of 1959. He has been ordinarily residing outside of the State of West Bengal for the several years. He had been holding whole time employments at various places e.g. Faridabad, New Delhi, Rourkela, etc. etc. In the premises, he was not legally entitled to be included in the Electoral Roll of 1959 at any point of time.
- C. The said Sudhir Kumar Ghosh apparently intending to contest the 1960 Biennial Election to the Council of States from the State of West Bengal, but not being qualified under Section 3 of the Representation of People Act 1951, on or about 22nd January 1960, purported to apply in Form 4 of the Representation of People (Preparation of Electoral Rolls) Rules 1956, to the Electoral Registration Officer Behala Assembly Constituency. The said application has been purported to be received on 16th February 1960 by the Assistant REGISTRATION Officer.

On 23rd February 1960, an illegal order was passed by the said Assistant ELECTORAL REGISTRATION OFFICER without any regard to the provision of the Representation of People Act 1950 and the rules framed thereunder. The Electoral Registration Officer of Behala Assembly Constituency has issued at Alipore 24 Parganas several inconsistent and improper certified copies of the entry relating to the name of the said Sudhir Kumar Ghosh. The said entry has been sought to be supported by an unqualified certificate of delimitation of constituencies by the Chief Electoral Officer of the State of West Bengal at Writers Buildings Calcutta.

- D. That the said Sudhir Kumar Ghosh was employed laterly as a Senior Deputy General Manager, Hindustan Steel at Rourkela and although his resignation was accepted on the 3rd March 1960 he was still interested at the date of the filing of the Nomination Paper in his contract of service in Hindustan Steel Limited, a Government controlled company and this fact was an additional disqualification to his name being nominated at the said election.
- E. The Nomination Paper of the said Sudhir Kumar Ghosh was presented without fulfilling the requirement for a valid nomination. The said Sudhir Kumar Ghosh did not produce a certified copy of the Electoral Roll of the Parliamentary Constituency in which he was alleged to be an elector.

14 That in the premises the nomination of Sudhir Kumar Ghosh was wholly void and, it must be that he was not nominated at all and he could not be deemed to be a contesting candidate at the aforesaid election. Accordingly the number of the valid candidates being equal to the number of the seats to be filled, the Returning Officer would have to forthwith declare all such valid candidates to be duly elected.

15. Your petitioner states that the aforesaid Sudhir Kumar Ghosh in furtherance of his prospects at the aforesaid election wrongfully and improperly obtained and/or procured the assistance of the Chief Electoral Officer West Bengal, the Electoral Registration Officer Behala Assembly Constituency and the Assistant Electoral Registration Officer, Behala Assembly constituency all of whom are gazetted officers on various dates between 22nd January 1960 and 10th March 1960 in having passed wrong and illegal orders for his inclusion in the aforesaid electoral roll and the issue of several improper certified copies.

16. Alternatively your petitioner submits that the disqualification of Sudhir Kumar Ghosh was patent and the votes cast in his favour were all invalid and must be deemed to have been thrown away. If such invalid votes were struck off your petitioner would be found to have been elected.

17. That on 3rd May 1960 your petitioner has deposited a sum of Rs. 1,000-00 in the Reserve Bank of India in favour of the Election Commission as security of the cost of this petition and the said receipt is annexed herewith and marked with letter "A".

18. Your petitioner craves leave to furnish further details and give better particulars in respect of the statements made in various paragraphs hereinabove after discovery and inspection or if required at the time of hearing.

Your petitioner accordingly prays that the election of the Respondent Sudhir Kumar Ghosh in the Biennial Election to the Council of States from the West Bengal Legislative Assembly held on 24th of March 1960 is void.

- (b) That it may be declared that your petitioner has been duly elected to the Council of States at the 1960 Biennial election from the State of West Bengal.
- (c) that the costs and other incidental to the petition awarded against the Respondent Sudhir Kumar Ghosh.
- (d) Such other or further order or orders as the Election Commission may seem fit and proper.

And your petitioner as in duty bound shall ever pray.

Verification

I, A. L. Chopra, the petitioner above-named do hereby declare that the statements contained in paragraphs 1 to 8, 10, 12, 13 (1st Para), 13(A), 13(A)(i), 13(A)(ii), 13(A)(iii), 13(B), 13(C), 13(D), 13(E), 15, 17, of the foregoing petition are true to my knowledge and statements in paragraphs 9, 11, 13(A)(iv), 13(A)(v), 14, 16 and 18 are my submissions.

1. I sign this verification at 95, Hazra Road, Calcutta, this third day of May 1960.

(Sd.) A. L. CHOPRA,
Petitioner.

[No. 82/15/60/9238.]

S.O. 1244.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 14 of 1960 presented to the Commission on the 4th May, 1960, under section 81 of the said Act, by Shri K. Sadanandan, Advocate, resident of Pallipurayidam, Vadakkumbhagom Ward, Quilon, Kerala State, calling in question the election to the Council of States by the elected members of the Legislative Assembly of State of Kerala of Shri Kozhipurath Madhava Menon, Mukthi, Kozhikode-3, Kerala State.

Received by Registered Post this the Fourth day of May. One Thousand Nine Hundred and Sixty.

Sd/- C. B. LAL,
Under Secretary,
Election Commission, India.

The 4th May, 1960.

BEFORE THE ELECTION COMMISSION, INDIA

ELECTION PETITION No. 14 OF 1960

(In re-Election of 3 members to the Council of States from Kerala State—1960).

K. Sadanandan

Vs.

Kozhipurathu Madhava Menon and 5 others.—

Petitioner.

K. Sadanandan, Advocate, Quilon residing at Pallipurayidam, Vadakkumbhagom Ward, Quilon, Kerala State.

All notices to the petitioner may be given at the above address.

1st Respondent.—Kozhipurath Madhava Menon, M.P., Mukthi, Kozhikode—3, Kerala State.

2nd Respondent.—Hajee Ebrahim Sulaiman Salt, B.A., M.P., Convent Road, Ernakulam, Kerala State.

3rd Respondent.—Joseph Mathen, M.P., Kurishingal, Arathinkal P.O., Sertthalai, Kerala State.

4th Respondent.—Mundasery Joseph, East Fort, Trichur, Kerala State.

5th Respondent.—P. Narayanan Nair, House No. 154, Panjal Panchayat, Ward No. 3, Killimangalam, Kerala State.

6th Respondent.—Ephraim Muamby, M.G. Road, Ernakulam, Kerala State.

ELECTION PETITION SUBMITTED BY THE PETITIONER UNDER SECTIONS 81, 82, 83 AND 84 OF THE REPRESENTATION OF PEOPLES ACT, 1951.

1. The petitioner and the respondents filed their nomination papers for the election of 3 members to the Council of States (Rajya Sabha) from the Kerala State held on 24th March 1960 and their nomination papers were duly accepted by the Returning Officer. The Petitioner and the respondents were the only contesting candidates.

2. The election to the Council of States by the elected members of the Legislative Assembly of Kerala was held on 24th March 1960 at the Secretary's room, Legislative Secretariat Buildings, Trivandrum and after the polling of the votes, the count was taken in the presence of the Candidates and their agents on the same day itself.

3. At the beginning of the counting the Returning Officer on scrutinizing the ballot papers taken out of the ballot-box, placed separately two ballot papers, one marked "X" and another "1X", "2X" and "3X" declaring that these two are invalid. None of the candidates or their agents objected to that decision.

4. It is found that the ballot paper marked "X" contained no other preference or mark or figures and the figure X was placed opposite to the name of the Petitioner.

5. Regarding the other ballot paper marked 1X, 2X etc. it is found that the figure 1X is placed opposite to the name of the second respondent.

6. Excluding the above said two ballot papers, the Returning Officer counted the votes and the result of the counting was as follows.

(a) Number of original votes polled by the Petitioner.	... 31
(b) Number of original votes polled by 1st respondent.	.. 30
(c) Number of original votes polled by 2nd respondent.	... 31
(d) Number of original votes polled by 3rd respondent.	... 32
(e) Number of original votes polled by 4th respondent.	.. Nil.
(f) Number of original votes polled by 5th respondent.	.. Nil.
(g) Number of original votes polled by 6th respondent.	.. Nil.

7. In pursuance of the above result of counting the returning officer ought to have declared the petitioner, the 2nd respondent and the 3rd respondent as duly elected.

8. The Petitioner also believed that he would be declared elected in view of the Returning Officer's decision in respect of the above said 2 ballot papers.

9. Subsequently the 1st and 2nd Respondents raised the contention that the ballot papers marked 1X etc. is valid while contending that the other ballot paper marked "X" alone is invalid.

10. The Petitioner however objected to the reopening of the decision of the Returning Officer and to the reception of the aforesaid ballot paper marked 1X, 2X, etc., since it contravened the provisions contained in Rule 116 of the Representation of Peoples (Conduct of Elections and Election Petition) Rules, 1956 viz. (a) the figure 1 is not marked (b) at any rate another figure namely X is set opposite to the name of the 2nd Respondent along with figure 1(c). The figure X is a mark by which the elector may afterwards be identified and it is deliberately put along with the other figures making it possible for the identification of the elector.

11. The Petitioner also contented that if the Returning Officer's decision is reopened the ballot paper marked "X" in favour of the petitioner along must be accepted as valid since the intention of the voter is clear and apparent from the fact that he has not exercised any other preference in favour of the respondents.

12. The Returning Officer who is the Secretary of the Legislative Assembly, Trivandrum, did not fully consider all the objections and contentions raised by the Petitioner but accepted the ballot paper marked IX etc. as a valid preference vote cast in favour of the 2nd Respondent.

13. In his order considering the validity or invalidity of the aforesaid two votes the Returning Officer considered only one of the objections raised by the Petitioner viz. that the X mark would enable the identification of the voter at a later stage. The Returning Officer has not even adverted to the other objections raised by the Petitioner regarding the invalidity of the said ballot paper and also the contention of the petitioner regarding the validity of the ballot paper marked "X" opposite to the Petitioner's name.

14. Accepting the ballot paper marked IX etc. as a valid ballot paper the Returning Officer fixed the quota for declaring a candidate duly elected as 3,126 (counting each valid vote as 100 as prescribed by the rules). Since the 2nd and 3rd Respondents had obtained (after accepting the aforesaid ballot paper as valid) 3,200 votes they were declared duly elected.

15. Since the 1st Respondent had obtained a number of second preference votes the Returning Officer proceeded to transfer the surplus obtained by the 2nd and 3rd Respondents to the 1st Respondent. After calculation he announced that the 1st Respondent has obtained 3,148 votes and hence duly elected. The petitioner submits that even the calculation made by the Returning Officer regarding the transfer of surplus and second votes is erroneous.

16. The Petitioner submits that the result of the election has been materially affected (a) by improper reception of the vote contained in the ballot paper marked "IX" etc. in favour of the 2nd Respondent and others; (b) by the refusal to accept the vote recorded in the ballot paper marked "X" in favour of the petitioner; (c) by the non-compliance by the Returning Officer during the process of counting, with the rules contained in the Representation of People (Conduct of Elections and Election Petitions) Rules of 1956

17. The Petitioner further submits that if a recount is made with due regard to the statutory provisions the petitioner will have to be declared duly elected.

18. The petitioner further submits that the aforesaid ballot paper marked IX etc. in favour of Respondents is invalid since (a) the placing of the figures X along with the figure 1 opposite to the name of the 2nd Respondent renders the said ballot paper invalid by virtue of the provisions contained in Rule 116 (c) of the Representation of People (Conduct of Election and Election Petition) Rules, 1956. (b) At any rate it cannot be contended that the figure 1 is marked in the said ballot paper, since the figures 1 and X are placed together so that in Roman numerals it will read as nine hence it contravenes sub-rule (a) of Rule 116(c). In any view the marking of the figure X also in the said ballot paper contravenes the mandatory sub-rule (d) of Rule 116 as the elector may afterwards be identified thereby.

19. It is submitted that the marking of figure "X" also was deliberate at the instance of the Chiefs of the Praja-Socialist Party and the Muslim League and the 2nd Respondent and that the facts and circumstances of the election justify such a conclusion.

20. The election is a keenly contested one, the first and third respondents being put up by the Indian National Congress Party while the 2nd respondent is put up as candidate of the Muslim League, and officially supported by the Praja Socialist Party. There has been an understanding even during the last General Elections to the Legislative Assembly to forge united front against the Communist Party by the Congress, Praja Socialist and Muslim League. As a result, the Communist Party members in the Assembly were 29 in number as against the 94 members of the United Front of Congress, P.S.P. and Muslim League, out of the total number of 126 elected members in the Assembly. The strength of the parties in the Legislative Assembly was such that Congress, P.S.P. and the Muslim League had just hardly the minimum number to return their 3 candidates viz. respondents 1, 2 and 3. Thus every one vote was material and decisive.

21. Further the election followed closely the formation of the Ministry in the Kerala State. The formation and composition of the Ministry resulted in serious differences and rifts in the parties of the United Front. In this set up as a person belonging to the Praja Socialist Party Petitioner's nomination was proposed and signed by a member of the Assembly belonging to the P.S.P. and 6th respondents'

nomination was also signed and proposed by another M.L.A. belonging to the P.S.P. It created a difficult situation for the leaders of the Congress, P.S.P. and the Muslim League which was further aggravated by the announcement of the Communist Party to support the Petitioner in the election. The said leaders apprehended that some of their M.L.A.s might go against them in the election and they tried their best to bring them round, under threat of disciplinary action or otherwise. In these circumstances, it is quite probable that they have directed a dissenting and recalcitrant member, who according to them would vote for the petitioner, to vote in a particular manner enabling verification and identification of the elector. It is submitted that the elector, who has voted for the 2nd respondent marking IX against his name has in all probability done so by arrangement with and on the direction of the leaders of his party and the 2nd respondent, with a view that at least the petitioner may not get his vote, which, they believed the petitioner might otherwise get and that the 2nd respondent may secure his vote.

22. If it is found that aforesaid ballot paper is valid (it being not admitted) *a fortiori* the ballot paper marked X opposite to the name of the petitioner with no other figures or marks indicating any other preference has to be accepted as valid and the Returning Officer erred in rejecting it and accepting the other.

23. In any view the petitioner has to be declared as validly elected to the Council of States.

24. It is therefore prayed that:

- (a) that this petition be referred to an Election Tribunal for trial.
- (b) a Scrutiny and recount of ballot papers and votes be taken in due conformity with the statutory rules regarding acceptance and refusal of votes as stated above.
- (c) that the election of the 1st respondent, the returned candidate be declared void for reasons stated above.
- (d) that the petitioner be declared elected to the Council of States (Rajya Sabha).
- (e) that contesting respondents be ordered to pay the costs of the petitioner.

NOTE:—A deposit of Rs. 1,000 (One thousand) in the Government Treasury in favour of the Election Commission as enjoined by Sec. 117 of Representation of People Act is made and the receipt is herewith filed.

Sd/- K. SADANANDAN, Petitioner.

I hereby declare that the facts stated above in paragraphs 1 to 18 and 22, 23, and 24 are true to my knowledge and those stated in paragraphs 19, 20 and 21 are based on informations which I believe to be true.

Signed and verified at Quilon on this the 2nd day of May 1960.

Sd/- K. SADANANDAN, Petitioner.

[No. 82/14/60/9240.]

New Delhi, the 12th May 1960

S.O. 1245.—Whereas the election of Shri Kesheo Prasad Verma as a member of the Council of States by the elected members of the Legislative Assembly of the State of Madhya Pradesh has been called in question by an election petition presented by Shri A. D. Mani, Journalist, resident of Hitvada House, Vidyawihar, Bhopal;

And whereas the Election Commission has caused a copy of the petition to be published in the Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri L. N. Pathak, District and Sessions Judge, Bhopal, as the member of the Election Tribunal for the trial of the said petition and Bhopal as the place where the trial of the petition shall be held.

[No. 82/13/60.]

By Order,

C. B. LAL, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 14th May 1960

S.O. 1246.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Chief Commissioner, Delhi, shall, subject to the control of the President and until further orders, exercise the powers of the State Government under sub-section (2) of section 23 of the Foreign Exchange Regulation Act, 1947 (7 of 1947), within the Union territory of Delhi.

[No. F. 2/5/60-Judl.II.]

K. R. PRABHU, Dy. Secy.

New Delhi, the 14th May 1960

S.O. 1247.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, published with the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 607, dated the 28th February, 1957, namely:—

In Part III of the said Schedule, against the entry "Central Secretariat Clerical Service, Grades I and II" in column 1, in the entries relating to item "(e)" in column 3, for the entry "Principal Private Secretary to Prime Minister", the entry "Private Secretary (Administration)" shall be substituted.

[No. F. 7/8/60-Ests(A).]

U. C. AGARWAL, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 7th May 1960

S.O. 1248.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 46

In Schedule I to the Rules, under 'S—Ministry of Transport & Communications (Department of Transport)' insert the following:—

"5. Government Director on the Board of Directors of Indian Shipping Companies, Bombay."

(This amendment takes effect from 1st April 1960).

[No. F. 19(4)E.II(A)/60.]

S.O. 1249.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendments in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 47

The following proviso may be inserted at the end of Rule 10(1):—

"Provided further that the powers of the P. & T. Board and the various authorities of the Indian Posts & Telegraphs Deptt., shall be laid down separately in consultation with the Ministry of Finance and to that extent these rules shall not apply to them".

2. In Schedule I, under "R—Ministry of Transport & Communications (Department of Communications and Civil Aviation)" items (1) to (12) may be deleted.

3. Clause (b) in column 4 against item 15(ii) of the Annexure to Schedule V may be deleted.

4. The words "other than the Director General of Posts & Telegraphs" and the commas occurring immediately before and after these words in Column 4 against item 26 of the Annexure to Schedule V may be deleted.

5. In Schedule VII, entry (ii) against "Irrecoverable losses of stores or of public money (including loss of stamps)" and entry (i) against "loss of irrecoverable loans and advances" pertaining to the powers of the Director General, Posts & Telegraphs may be deleted.

(This amendment takes effect from 20th December, 1958).

[No. 12(166)-E.I(A)/59.]

CORRIGENDUM

New Delhi, the 6th May 1960

S.O. 1250.—In the Ministry of Finance Notification No. F. 12(18)E.II(A)/60 dated 29th February 1960 (published as S.O. 587 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 12th March 1960, at page 906) containing amendment No. 36 to the Delegation of Financial Powers Rules, 1958.

For "(a)" occurring at the beginning of the para

Read "(9)".

2. In the Ministry of Finance Notification No. F. 12(155)E.II(A)/59 dated 4th March, 1960 (published as S.O. 589 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 12th March, 1960 at page 906) containing amendment No. 38 to the Delegation of Financial Powers Rules, 1958.

For "could"

Read "would".

[No. F. 12(155)E.II(A)/59.]

K. P. SIRCAR, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 14th May 1960

S. O. 1251—Statement of the Affairs of the Reserve Bank of India, as on the 6th May, 1960.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	13,34,44,000
Reserve Fund	80,00,00,000	Rupee Coin	1,71,000
National Agricultural Credit (Long-term Operations) Fund	30,00,00,000	Subsidiary Coin	4,94,000
National Agricultural Credit (Stabilisation) Fund	4,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal
(a) Government		(b) External
(1) Central Government	60,30,18,000	(c) Government Treasury Bills	30,09,73,000
(2) Other Governments	18,90,48,000	Balances held abroad*	15,67,11,000
(b) Banks	88,42,11,000	**Loans and Advances to Governments	51,33,11,000
(c) Others	98,84,66,000	Other Loans and Advances†	117,51,98,000
Bills Payable	23,80,66,000	Investments	217,37,52,000
Other Liabilities	51,45,91,000	Other Assets	15,33,46,000
TOTAL	460,74,00,000	TOTAL	460,74,00,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 12,73,70,000/- advanced to scheduled banks against usance bills under Section 17 (4)(c) of the Reserve Bank of India Act.

Dated the 11th day of May, 1960.

An Account pursuant to the Reserve of India Act, 1934, for the week ended the 6th day of May 1960.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	13,34,44,000		A Gold Coin and Bullion:—		
Notes in circulation	1904,49,13,000		(a) Held in India	117,76,03,000	
Total Notes issued		1917,83,57,000	(b) Held outside India		
			Foreign Securities	163,00,89,000	
			TOTAL OF A		280,76,92 000
			B. Rupee Coin		125,63,18,000
			Government of India Rupee Securities		1511,43,47,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		1917,83,57,000	TOTAL ASSETS		1917,83,57,000

Dated the 11th day of May, 1960.

M. V. RANGACHARI,
Deputy Governor.

[No F 3(2)-BC/60.]

A. BAKSI, Jr. Secy.

(Department of Economic Affairs)**CORRIGENDUM**

New Delhi, the 16th May 1960

S.O. 1252.—In Gazette notification dated 23rd March, 1960 issued under S.O. 794 in Gazette of India dated 2nd April, 1960 at the end after the word 'resigned' delete (.) and add the words "with effect from the 26th of April 1960".

[No. 51(8)INS(I)/60.]

P. GANGULEE, Dy. Secy.

(Department of Revenue)**INCOME-TAX**

New Delhi, the 17th May 1960

S.O. 1253.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government is pleased to appoint Shri P. V. Kuruvila as Commissioner of Income-tax.

This notification shall take effect from the 7th May 1960.

[No. 55 (F. No. 55/1/60-IT).]

D. V. JUNNARKAR, Under Secy.

CENTRAL BOARD OF REVENUE**INCOME-TAX**

New Delhi, the 4th May 1960

S.O. 1254.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660, No. 35, dated the 22nd April, 1958, namely:—

In the said Schedule under the sub-head "VI—Bombay South" for the existing entries in columns 1 and 2 the following entries shall be substituted, namely:—

Poona Range I.

1. All Income-tax Circles and Wards having headquarters at Poona, excluding Wards A, B, C and Wealth-tax Circles at Poona.
2. All Income-tax Wards of Ahmednagar District having Headquarters at Ahmednagar.
3. Special Estate Duty-cum-Income-tax Circle, Poona.
4. Special Survey Circle, Bombay South:
 - (i) in respect of persons who have income from business, profession or vocation and having their principal place of business in the District of Poona;
 - (ii) in respect of persons having income from sources other than business, profession or vocation and residing in the District of Poona; and
 - (iii) in respect of cases transferred to the Circle under Section 5(7A) of the Act.
5. Sholapur.
6. Latur.

Poona Range II.

1. Income-tax Wards A, B, C and Wealth-tax Circle of Poona, having Headquarters at Poona.
2. All Wards of Kolaba District having Headquarters at Alibag.
3. All Income-tax Circles and Wards having Headquarters in the following Districts:—
 - (i) Aurangabad (for Aurangabad and Bhir).
 - (ii) Nanded (for Nanded and Parbhani).
4. Kolaba.
5. Kolhapur.
6. Sangli.
7. Ratnagiri.
8. Satara.

Aurangabad Range.

1. Aurangabad.
2. East Khandesh.
3. Nanded.

Nasik Range.

1. Nasik.
2. West Khandesh.
3. Ahmednagar.
4. Thana.

Akola Range.

1. All Income-tax Circles and Wards having Headquarters in the following Districts:—
 - (1) Akola.
 - (2) Amraoti.
 - (3) Yeotmal.
 - (4) Khamgaon (for Buldhana District).
 - (5) Wardha (for Wardha, Chanda and Rajura).

These amendments shall take effect from the 16th May, 1960.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the charge of the Commissioner of Income-tax, Bombay South.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 48 (F. No. 50/23/59-IT).]

New Delhi, the 13th May 1960

S.O. 1255.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 21st April 1960 (forenoon) Shri H. P. Sharma who has been appointed by the Central Government to be a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the States of Bihar and Orissa.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said function the said Shri Sharma shall be designated as the Commissioner of Income-tax, Bihar and Orissa, with headquarters at Patna.

Explanatory Note

NOTE.—The amendments have become necessary on account of the change in the incumbent of the Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 49 (F. No. 55/1/60-IT).]

S.O. 1256.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 30th April 1960 (for-noon) Shri B. M. Mitra who has been appointed by the Central Government to be a Commissioner of Income-tax shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the States of Bihar & Orissa.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said function the said Shri Mitra shall be designated as the Commissioner of Income-tax, Bihar and Orissa, with headquarters at Patna.

Explanatory Note

NOTE.—The amendments have become necessary on account of change in the incumbent of the Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 50 (F. No. 55/1/50-IT).]

New Delhi, the 16th May 1960

S.O. 1257.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendment in the Schedule appended to its notification S.O. 660 No. 35—Income-tax dated the 22nd April, 1958, namely:—

In the Schedule under the sub-head "XI-Mysore" against "A-Range, Bangalore" after the existing serial No. 6-Rural Circle, Bangalore, the following item shall be added:—

"7. Coorg Circle".

The notification shall have effect from 2nd May 1960.

Explanatory Note

NOTE.—The amendment has become necessary on account of the creation of a new Income-tax Circle in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 51 (F. No. 50/13/60-IT).]

S.O. 1258.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35 dated the 22nd April 1958, namely:—

In the said Schedule under the Sub-head "XIII-Punjab, Jammu & Kashmir and Himachal Pradesh" against Jullundur Range after 6-Special Investigation Circle, Ambala the following item shall be added, namely:—

7. Salary Circle, Jullundur.

The notification shall have effect from the 18th April 1960.

Explanatory Note

NOTE.—The amendments have become necessary on account of the creation of a new Income-tax Circle.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 52 (F. No. 50/14/60-IT).]

New Delhi, the 17th May 1960

S.O. 1259.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of Board's notification No. 94 (F. No. 55/23/58-IT) dated the 9th October 1958, the Central Board of Revenue hereby directs that for the word Simla wherever it appears in that notification please read Patiala.

This notification shall have effect from 25th April 1960.

Explanatory Note

NOTE.—The amendment has become necessary on account of the shifting of Headquarters of the Commissioner of Income-tax, Punjab from Simla to Patiala.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 53 (F. No. 55/1/60-IT).]

S.O. 1260.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 30th April 1960 (afternoon) Shri R. N. Muttoo a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the States of Punjab, Jammu and Kashmir and the Union Territory of Himachal Pradesh.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Muttoo shall be designated as the Commissioner of Income-tax, Punjab, Jammu and Kashmir and Himachal Pradesh with headquarters at Patiala.

Explanatory Note

NOTE.—The amendments have become necessary on account of the change in the incumbent of the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 54 (F. No. 55/1/60-IT).]

S.O. 1261.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that with effect from the 7th May, 1960 (afternoon) Shri P. V. Kuruvila, who has been appointed by the Central Government to be a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Madhya Pradesh and the districts of Nagpur and Bhandara.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the Shri Kuruvila shall be designated as the Commissioner of Income-tax, Madhya Pradesh and the districts of Nagpur & Bhandara with headquarters at Nagpur.

Explanatory Note

NOTE.—The amendments have become necessary due to change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 56 (F. No. 55/1/60-IT).]

S.O. 1262.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 9th May 1960 (forenoon), Shri P. Madhava Rau, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the States of Delhi and Rajasthan.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri P. Madhava Rau shall be designated as the Commissioner of Income-tax, Delhi and Rajasthan with headquarters at New Delhi.

Explanatory Note

NOTE.—The amendments have become necessary due to the change in the incumbent of the Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 57 (F. No. 55/1/60-IT).]

D. V. JUNNARKAR, Under Secy.

CENTRAL EXCISE COLLECTORATE, DELHI.

PUBLIC NOTICE

SUBJECT.—Central Excise—Manufactured Excisable goods—Retention and Re-entry of duty paid excisable goods within the Factory premises in relaxation of Rule 51-A of Central Excise Rules, 1944.

S.O. 1263.—Retention of Excisable goods inside the producing factory after payment of duty and re-entry of duty paid excisable goods into the factory in relaxation of Rule 51-A of Central Excise Rules, 1944, falling under any of the

following categories shall be regulated in accordance with the instructions indicated below each category. These instructions supersede the previous instructions contained in this Collectorate Public Notice published on S.R.O. No. 1875 in the Gazette of India, Part II, section III of 8th June, 1957.

(1) When duty paid goods except (i) Electric Fans (ii) Batteries (iii) Cement and (iv) Sugar, are returned to the factory for being remade, refined, reconditioned or subjected to any similar process in the factory.

- (i) Manufacturer must notify the factory officer at least 24 hours before the goods are intended to be received into the factory. In circumstances of an exceptional nature beyond the control of the manufacturer a short notice of re-entry of excisable goods into the factory may be accepted.

When the factory officer is not on duty at the time of receipt of the goods into the factory, the manufacturer may receive and store separately such excisable goods and report the full details of the goods to the factory officer as soon as it is possible to do so.

- (ii) The goods shall on arrival be presented for inspection and if necessary, for taking samples by the factory officer who will examine and identify the duty paid goods with the relative clearance documents before they are taken into stock. The factory officer will verify that the goods as originally issued from the factory have not been tampered with or made use of in any way and the smallest packages meant for retail sale except these few which may have been opened for sampling, are intact and unopened.

Collateral evidence available with the manufacturer e.g. correspondence with the buyer regarding rejection of such goods, reports about assessment of damage by assessors etc., shall also be produced before the factory officer to satisfy him about the bonafides of such re-entry. When some or all of the unit packages had been opened before return of the consignments, identity of the goods returned shall also be established with reference to such collateral evidence. Whenever there are markings on containers which are described either in the clearance documents or in other accounts of the manufacturer, all such records shall be produced before the factory officer to facilitate identification. In special cases spot enquiries may also be made at the original consignee's end to ensure that the relaxation is not abused.

- (iii) A detailed account of the returned goods and the processes to which they are subjected after their return to the factory, shall be kept by the manufacturer in the R.C.I. and E.B.4 forms of account, separate pages being set apart in the said record for this purpose.
- (iv) At the end of each month correctness of the closing balance must be verified by the factory officer and a certificate recorded in the registers to this effect.

2. When the excisable goods cannot immediately be removed after clearance on payment of duty from the factory due to unforeseen circumstances beyond the Manufacturer's control like sudden break down of the carriers or non-availability of Wagons etc.

- (i) The place in the factory where such duty paid goods are to be stored shall be duly declared and approved by the officer competent to issue or renew the manufacturing licence.
- (ii) The storage place should be separate and distinct from all parts of the premises forming the manufactory and approved store rooms for non duty paid goods.
- (iii) The manufacturer should intimate the factory officer as soon as practicable, the reason for not removing the duty paid goods from the factory.
- (iv) Movement of goods after payment of duty from the bonded storerooms to the approved duty paid storage within the licensed factory shall take place under supervision of the Factory officer, no gate pass being necessary for the purpose.

- (v) The manufacturer shall keep an account of all receipts/issues and balances of duty paid goods in the appended form (Annexure A). The stocks and accounts shall be open to inspection by any Central Excise officer at all reasonable times.
- (vi) All issues from the duty paid premises shall take place under gate passes prescribed under rule 52(A) of Central Excise Rules, 1944.
- (vii) The account must be checked by the factory officer during his regular visits to the factory and at the end of each month. Stocks should be physically certified by percentage weightment with the book balance and certified correct under the factory officer's dated initials.

3. When goods cleared on payment of duty are brought back due to sudden suspension of booking on Railways.

A manufacturer of excisable goods may consequent on sudden suspension of booking on the Railways, bring back into his factory premises the excisable goods cleared on payment of duty subject to the following conditions:—

- (i) The manufacturer shall give such notice to the factory officer as can reasonably be accommodated before the goods are received in the factory.
- (ii) The goods shall be presented to the factory officer who will identify them with the clearing documents like A.R. Is, gate passes etc., and allow re-entry.
- (iii) The goods shall be stored separately in a place distinct from the main premises forming the manufactory and the approved storeroom for non duty paid goods and a stock card superscribed "re-entered goods" showing (a) date of receipt, (b) quantity received, (c) number and date of clearance documents, (d) date of re-issue and (e) quantity issued, shall be maintained to distinguish them from other goods, if any.
- (iv) All copies of original gate passes under which the goods were first cleared should be endorsed when the goods are received back in the factory giving time and date by the manufacturer. When the goods are cleared again suitable entry should be made on these gate passes.

4. When duty paid Excisable goods are brought into the factory for test, studying designs, method of construction etc.

- (i) The manufacturer shall notify the factory officer 24 hours or such shorter period as can reasonably be accommodated before the samples of duty paid excisable goods are received into the factory.
- (ii) The goods shall on arrival be presented for inspection and, if necessary, for sampling by the factory officer.
- (iii) The manufacturer shall keep simple account of the receipt and disposal of such goods.
- (iv) At the end of each month correctness of the closing balance must be verified by the factory officer and recorded in the Register.

5. Damaged sugar/cement brought back to the factory for refining, re-processing etc.:

- (i) The manufacturer shall inform the factory officer 24 hours or such shorter period as can reasonably be accommodated before receipt of the consignment into the factory.
- (ii) The factory officer will weigh the consignment on receipt into the factory, draw representative samples, prepare the usual test memo and forward the samples to the Chemical Examiner for ascertaining the recoverable Sugar/cement.
- (iii) On receipt of the test report from Chemical Examiner, the Assistant Collector will intimate the factory officer the quantity of goods permitted to be delivered free of duty from the factory against the damaged goods brought into the factory.
- (iv) The factory officer on receipt of the orders of the Assistant Collector, will apprise the manufacturer of the result of chemical analysis and will permit a quantity equivalent to the recoverable quantity as determined by the Chemical Examiner without payment of duty.

- (v) The manufacturer shall maintain a detailed account of the damaged goods received and the processes to which the goods are subjected at the factory, in enclosed form (Annexure B).

6. Electric Batteries and fans brought into the factory for repair, reconditioning etc.

- (i) Conditions prescribed under items 1(i) 1(ii) should be adhered to:—
- (ii) The goods so received shall be stored in a separate place specified for the purpose and repairing, reconditioning etc., shall, as far as possible, be undertaken in a separate section as distinct from the Manufacturing section. Where it is done in the manufacturing section itself, prior intimation should be given to the factory officer who should keep a watch to ensure that excisable parts are not replaced in violation of condition (iii) below.
- (iii) The Manufacturers shall pay duty on excisable parts used for repairing, reconditioning etc., in the usual manner at the time of removal of excisable parts before utilising them for repairs.
- (iv) All removals of repaired goods shall take place under the cover of separate gate passes maintained for this purpose.
- (v) A detailed account of the returned goods shall be kept by the manufacturer in the enclosed form (Annexure C).
- (vi) The manufacturer shall remove the goods after repair/reconditioning within one month of the date of receipt into the factory, but the time limit may be extended to three months subject to the condition that the No. of such Batteries/Fans so brought into the factory for repair/reconditioning shall not exceed at any one time 1 per cent of the annual production of the manufacturer.

7. When duty paid goods are allowed to be stored in the factory premises for retail sale or issue as complimentary gifts.

- (a) When a manufacturer has a retail shop open to the public it should, as far as possible, be located away from the factory premises and in any case physically segregated from the factory premises, there being no entrance to the retail shop from inside the licensed factory premises.
- (b) Where a manufacturer wants to store some duty paid goods for retail sale to factory employees only or issue a complimentary gifts he should normally arrange for storage of such goods out-side licensed premises. However, a manufacturer having no additional storage place outside the licensed premises for storing duty paid goods may be permitted to store the goods in a separate room/place situated within the factory premises subject to the following conditions:—
 - (i) The separate room/place where duty paid goods are to be stored shall be duly declared and approved by the licensing authority concerned prior to storage therein.
 - (ii) The room/place shall be segregated from the rest of the licensed premises by effectively closing all entrances into it except one communicating only with the open space outside the main factory building and this storage place shall be capable of being securely locked. In garden tea factories this may be in the Administrative or Engineering store section of the factory premises.
 - (iii) No duty paid goods shall be stored for this purpose elsewhere in the licensed premises or estate in a tea factory, except in such approved room/place.
 - (iv) All issues for the retail store must be in accordance with the usual procedure for clearance on payment of duty except that no gate passes will be required.
 - (v) Separate gate passes under Rules 52-A must be issued for each lot of duty paid goods at the time of delivery. One gate pass book should be exclusively used for this purpose. To reduce inconvenience to the Manufacturer, such gate passes need not be countersigned by the factory officer, where there is no resident excise officer or where one is not readily available but the duplicate and triplicate gate passes must be produced before the factory officer on his next visit to the factory.

- (vi) The manufacturer must maintain an account of receipts, issues and balance in the retail store, in the form given in Annexure D.
- (vii) The accounts must be checked by the factory officer during his visits to the factory and at the end of each month stocks should be physically verified by percentage weighment with the book balance and certified correct under the factory officer's dated initials.

8. When duty paid goods refused by the consignee are returned to the factory for redistribution or damaged goods are brought into the factory to ascertain the extent of damage and to decide the disposal of such goods.

- (i) Manufacturer must notify the factory officer at least 24 hours or such shorter period as can reasonably be accommodated before the goods are received into the factory.
- (ii) The storage place should be separate and distinct from all parts of the premises forming the manufactory and approved storerooms for non-duty paid goods.
- (iii) The goods shall on arrival be presented for inspection and if necessary for sampling by the factory officer.
- (iv) The identity of the goods shall be established to the satisfaction of the factory officer as indicated in items (i) and (ii) above.
- (v) Separate gate passes countersigned by the Central Excise officer should be issued for subsequent removal of the goods.
- (vi) Manufacturer shall maintain a detailed account of the goods received and disposed of.
- (vii) The accounts must be checked by the factory officer during his visits to the factory and at the end of each month, stocks should be physically verified with book balance and certified correct under factory Officer's dated initials.

2. Deputy Superintendents, Superintendents and Assistant Collectors should during their visits to and inspectors of factories, scrutinise the records maintained regarding retention or storage of duty paid goods in the factory in relaxation of provisions of Rule 51-A to ensure that the factory officers are exercising their powers of relaxation properly and judiciously.

Account of Receipts and issues of duty paid goods stored in the Factory.

[illegible]

ANNEXURE—"B"

[vide paragraph (5) (v)]

Date of entry of damaged goods	No. of Packages	Description of goods	Serial No. of packages	Total quantity entered	Processes to which subjected	Quantity recoverable
1	2	3	4	5	6	7

Permissible quantity for delivery free of duty against the quantity in column 7 (as intimated by Factory Officer)	Date of re-Issue	Quantity issued against Col. 8	Signature of the licensee	Balance	REMARKS
8	9	10	11	12	13

ANNEXURE—"C"

Register of receipt and re-issue of Electric Batteries/Electric Bulbs and Electric Fans after repair/reconditioning etc.

[*vide* paragraph (6) (v)]

[illegible]

[*vide* paragraph (7) (vi)]

Accounts of receipts and issue of duty-paid goods stored in the factory Retail Store:—

[illegible]

[No. 18(16)64/57.]

B. D. DESHMUKH, Collector.

THE BOMBAY CENTRAL EXCISE COLLECTORATE**CENTRAL EXCISES***Bombay, the 7th May 1960*

S.O. 1264.—In exercise of the powers conferred by Rule 5 of the Central Excise Rules, 1944, I empower the Superintendents of Central Excise of the Bombay Central Excise Collectorate to exercise the powers of the Collector to compound offences under Rule 210-A of the Central Excise Rules, 1944 within their respective jurisdictions, in cases where the value of the goods involved does not exceed Rs. 1000/- as against the present limit of Rs. 500/-.

This Notification modifies the Bombay Central Excise Collectorate Notification No. CER/5/2/57, dated the 25th February, 1957, to the above extent.

[No. CER/5/3/60.]

G. KORUTHU, Collector.

MINISTRY OF COMMERCE AND INDUSTRY*New Delhi, the 12th May, 1960*

S.O. 1265.—In exercise of the powers conferred by section 5 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956) the Central Government hereby appoints, after consultation with the Commission, Shri Pranlal S. Kapadia to be the Secretary of the Commission.

[No. 4(2)/60-KVE.]

M. P. ALEXANDER, Dy. Secy.

Bombay, the 13th May 1960

S.O. 1266.—In exercise of the powers conferred on me by clause 14-A of the Cotton Control Order, 1955, I do hereby issue the following directions:—

- (1) With effect from the 1st August, 1960, every person desiring to sell Indian cotton exceeding 800 lbs. in quantity to a manufacturer shall apply to the Textile Commissioner for nominating a manufacturer as a purchaser of the cotton offered for sale by such person.
- (2) Every person applying for nomination in accordance with above, shall sell the cotton only to the manufacturer nominated by the Textile Commissioner and at the maximum price fixed by the Textile Commissioner and at the maximum price fixed by the Textile Commissioner in Schedule 'A' of his Notification No. S.O. 2045, dated the 8th September, 1959, applicable to the description, staple and class of the cotton concerned which shall be determined by the Committee mentioned in Schedule 'B' of the aforesaid Notification.
- (3) If the Textile Commissioner does not nominate a manufacturer within 15 days of the receipt by him of the application for nomination, the applicant shall be free to sell cotton to any manufacturer of his choice.
- (4) The nominee appointed by the Textile Commissioner shall arrange to take delivery of the cotton offered for sale in accordance with the Bye-Laws of the East India Cotton Association Ltd., Bombay, in force from time to time, failing which, the seller shall be free to sell the cotton to any other manufacturer of his choice under advice to the Textile Commissioner.

Explanation: Nothing in this Notification shall apply to sale of cotton for the purpose of export overseas.

Sd/- D. S. JOSHI,
Textile Commissioner.

New Delhi, the 16th May, 1960

[No. 24(14)-TEX(A)/59.]
HARGUNDAS, Under Secy.

COFFEE CONTROL

New Delhi, the 12th May 1960

S.O. 1267.—Shri Tenneti Viswanatham, Chairman, Coffee Board, Bangalore, relinquished charge of the post of Chairman with effect from the afternoon of 29th April, 1960.

Shri G. S. Srinivasan, IAS., Chief Coffee Marketing Officer, Coffee Board, shall perform the duties of Chairman with effect from the same date until further orders.

[No. 9(10)/Plant(B)/60.]

A. J. KIDWAI, Dy. Secy.

New Delhi, the 14th May 1960

S.O. 1268.—In pursuance of sub-rule (2) of rule 157 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that in exercise of the powers conferred by sub-rule (1) of the said rule, the Central Government has caused the following alterations to be made in the Agents' Register in respect of business and residential addresses of Shri P. Krishna Iyer, a registered agent, namely:—

Business address: P. Krishna Iyer, D.Com.,
Income-tax Practitioner and Trade Marks Agent,
7/352, S.M. Street,
Kozhikode-1.

Residential address: P. Krishna Iyer, D.Com.,
13/188, Annie Hall Road,
Chalapuram, Kozhikode.

[No. F. 6(3)-TMP/60.]

ORDER

EXPORT TRADE CONTROL

New Delhi, the 14th May 1960

S.O. 1269.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

I. Under the heading "B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED", for entry (vii) of item 9, the following shall be substituted:—

"(vii) Wool raw."

II. Under the heading "C. ARTICLES WHOLLY OR MAINLY MANUFACTURED", the following entry of item 15 shall be omitted:—

"(xi) Woollen yarn, woollen hosiery knitting yarn and hand knitting wool."

[No. Export(1)/AM(31).]

T. S. KUNCHITHAPATHAM, Under Secy.

ORDER

New Delhi, the 16th May 1960

S.O. 1270.—/IDRA/18A/1/59.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri M. Lal, Technical Director, Messrs. Jessop & Co. Ltd., as a member of the Board of Management of M/s. Jessop and Co. in the place of Mr. C. V.

Graham and makes the following amendment in the notification of the Government of India in the Ministry of Commerce and Industry, S.O. No. 867 dated the 15th May 1958, namely:—

Amendment

In the said notification, for item (6) the following item shall be substituted, namely:—

“(6) Shri M. Lall.”

[No. 9(1)/IA/IG/60.]

K. C. MADAPA, Dy. Secy.

ORDER

New Delhi, the 16th May 1960

S.O. 1271/IDRA/6/17.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri J. V. Bhawe, as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry S.O. 2830, dated the 17th December, 1959, for the scheduled industries engaged in the manufacture or production of Paper, Pulp and allied industries and directs that the following amendment shall be made in the said Order, namely:—

- (i) In paragraph 1 of the said Order after entry No. 16-D relating to Shri Bhagwat Dayal Sharma, the following entry shall be inserted.

“16-E. Shri J. V. Bhawe, General Secretary, Paper Mazdoor Sabha, Kakakuwa Mansion 54, Budhawar Peth, Laxmi Road, Poona—2 ”

“Persons employed in industrial undertakings” “Member”

- (ii) Paragraph 1(b) shall be omitted.

[No. 4(72)IA(IV)/59.]

CORRIGENDA

New Delhi, the 16th May 1960

S.O. 1272.—In the Ministry of Commerce and Industry Order No. S.O. 1346/IDRA/6/14 dated the 1st July, 1958, published in the Gazette of India in Part II Section 3 sub-section (ii) dated the 5th July, 1958, the following amendments may kindly be made:—

- (i) For “10 Sardar Mohan Singh, Managing Director, Pure Drinks Private Ltd., Bombay” Read “10 Sardar Mohan Singh, 40, Hanuman Road, New Delhi”.
- (ii) For “10G Mr. P. L. Roy, M/s. Metal Box Co. of India Ltd., Barlow House, Chowringhee, Calcutta-20”. Read “10G Mr. P. L. Roy, M/s. Metal Box Co. of India, Hamilton House, ‘A’ Block Connaught Place, New Delhi”.
- (iii) For “11 Dr. H.A.B. Parpia, Assistant Director General Food Technological Research Institute, Mysore”. Read “11 Dr. H.A.B. Parpia, Officer on Special duty (Extension Services) Council of Scientific and Industrial Research, New Delhi”.
- (iv) For “12A Shri P. H. Bhatt, Senior Marketing Development Officer (Fruit Products), Directorate of Marketing and Inspection, Department of Agriculture, Ministry of Food and Agriculture, Nagpur”. Read “12A Shri P. H. Bhatt, M/s. Kaira District Co-operative Milk Producers’ Union Ltd., Anand (W. Rly)”.
- (v) For “12B Dr. V. N. Patwardhan, Director, Nutrition Research Laboratories Coonoor”. Read “12B Dr. V. N. Patwardhan, Director, National Research Laboratories, Indian Council of Medical Research, Tarnaka, Hyderabad-7 (Deccan).”

[No. 4(36)IA(IV)/58.]

New Delhi, the 17th May 1960

S.O. 1273.—In the Ministry of Commerce and Industry Order No. 1607, dated the 7th July, 1959 published in the Gazette of India, Part II Section 3 Sub-section (ii) dated the 18th July, 1959:—

<i>For</i>	"7-B Shri S. H. Doshi, Director, The Amar Dye-Chem Ltd., "Rang Udyan", Seetaladevi Temple Road, Mahim, Bombay—16"	"Owner"	"Member"
<i>Read</i>	"7-B Shri S. V. Desai, The Amar Dye-Chem Ltd., "Rang Udyan", Seetaladevi Temple Road, Mahim, Bombay—16"	"Technical Knowledge"	"Member"

[No. 4(2)IA(IV)/59.]

NAR NARAIN SINGH, Under Secy.

(Indian Standards Institution)

ERRATUM

The S.O. No. of the Notification of the Ministry of Commerce and Industry (Indian Standards Institution) No. MDC 11(4), dated 4th May, 1960, appearing on page 1471 of the Gazette of India, Part II—Section 3(ii), dated 14th May 1960, may be read as "1188" in place of "1189".

MINISTRY OF STEEL, MINES & FUEL

(Department of Mines & Fuel)

New Delhi, the 14th May 1960

S.O. 1274.—Whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) SRO 258 dated the 15th January, 1958, under sub-section (1) of Section (4) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government gave notice of its intention to prospect for coal in the lands in the locality specified in the Schedule appended to that notification;

And whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.O. 171 dated the 14th January, 1960, under sub-section (1) of Section 7 of the said Act, notice was issued specifying further period of one year commencing from the 15th January 1960, as the period within which the Central Government may give notice of its intention to acquire the lands specified therein or any rights in or over such lands;

And whereas the Central Government is satisfied that coal is obtainable in the whole or any part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 9.60 acres described in the schedule appended hereto.

The plan of the areas covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribagh, or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Limited (Revenue Section) Darbhanga House, Ranchi.

Any person interested in the aforesaid land may, within 30 days of the issue of this notification, file objection to the acquisition of the whole or any part of the land or of any rights in or over such lands to the Coal Controller, 1, Council House Street, Calcutta.

SCHEDULE

Plan N. Rev/67B/60 dt. 19-2-60
(Showing lands to be acquired)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks.
1.	Religara	Mandu	34	Hazaribagh	9.60 acres	Part.
Total :—						9.60 acres (approximately)

Plots to be acquired.

324 (P), 329 (P), and 419 (F).

Boundary Description

AB line passes through plot No. 324.

BC line passes through plot Nos. 324, 329 and 419.

CD line passes through plot Nos. 419 and 324.

DE line passes through plot No. 324.

EA line passes through plot No. 324.

[No. C2-20(3)/60].

New Delhi, the 16th May 1960

S.O. 1275.—Whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.O. No. 166 dated the 8th January, 1960 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification and reproduced in the Schedule to the notification;

And whereas no objection was made to the acquisition of the lands aforesaid;

And whereas the Central Government, after consulting the Government of Bihar is satisfied that the lands measuring 267.65 acres described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 267.65 acres described in the said Schedule are hereby acquired

The plan of the areas covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribagh or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Ltd. (Revenue Section), Darbhanga House, Ranchi.

SCHEDULE

Showing lands to beacquired Drawing No. Rev/71/60.

BLOCK—I

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1	Religara	Mandu	34	Hazaribagh	97.80 Acres.	Part.
2	Dari	Mandu	43	Hazaribagh	3.60 Acres.	Part.
Total					101.40 Acres.	(Approximately).

Plots to be acquired in village Religara:—

419(Part), 420(Part), 421(Part), 422, 423(Part), 424, 425 to 429, 430(Part), 431(Part), 440(Part), 443(Part), 445(Part), 446 to 464, 465(Part), 466(Part), 472(Part), 474(Part), 475(Part), 476, 477(Part), 478, 479(Part), 490(Part), 491(Part), 492, 493, 494 (Part), 495 (Part), 496 to 507, 508 (Part), 509(Part), 510(Part), 511(Part), 512(Part), 513(Part).

Plot to be acquired in village Dari:—1350(Part).

Boundary Description

AB line passes through Plot Nos. 420, 421, 431, 430, 443, 445, 440, 465, 475, 472, 474, 477, 479, 491, 490 in village Religara and 1350 in village Dari.

BC line passes through Plot Nos. 1350 in village Dari and 491 in village Religara.

CD line passes through Plot No. 491 in village Religara.

DE line passes through Plot Nos. 491, 495, 494 and 513 in village Religara.

EA line passes through Plot Nos. 513, 495, 508, 509, 510, 511, 512, 419, 423 and 420 in Village Religara.

BLOCK—II

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1	Dari	Mandu	43	Hazaribagh	25.75 Acres	Part.
Total					25.75 Acres (Approximately).	

Plot to be acquired in village Dari:—

994(Part), 952(Part), 953(Part), 954(Part), 955(Part), and 956(Part).

Boundary Description

AB line passes through Plot Nos. 956, 955, 954 and 952 in village Dari.

BC line passes through Plot Nos. 954, 952, 953, 944 and 955 in village Dari.

CA line passes through Plot Nos. 955 and 956 in village Dari.

BLOCK—III

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1	Dari	Mandu	43	Hazaribagh	140.50 Acres	Part.
Total					140.50 Acres. (Approximately).	

Plots to be acquired in village Dari:—

1406 (Part), 1420 (Part), 1433 to 1439, 1460 (Part), 1461 to 1466, 1467 (Part), 1468 (Part), 1469(Part), 1470(Part), 1471, 1472(Part), 1473(Part) and 1483(Part).

Boundary Description

AB line passes through Plot Nos. 1406, 1483, 1467, 1468, 1469, 1470, 1472, 1473 and 1460 in village Dari.

BC line passes through Plot No. 1460 in village Dari.

CD line passes along right bank of River Marangara.

DE line passes along Kamlagara Nalla.

EF line passes through Plot No. 1420 in village Dari.

FA line passes through Plot Nos. 1420, 1406 in village Dari (along Religara Colliery boundary).

CORRIGENDUM

New Delhi-2, the 16th May 1960

S.O. 1276.—In the Schedule to the notification of the Government of India in the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) No. S.O. 929 dated the 4th April, 1960, published in Part II-Section 3, Sub-section (ii) of the Gazette of India dated the 16th April, 1960, under the heading 'Boundary Description', for '2747', '2436' and '2543' substitute '2647', '2636' and '2542' respectively.

[No. C2-22(6)/59.]

B. ROY, Under Secy.

(Department of Iron & Steel)

CORRIGENDUM

New Delhi, the 14th May 1960

S.O. 1277.—**Ess. Comm/Iron & Steel-16(Corr).**—In the notification of the Government of India, in the Ministry of Steel, Mines and Fuel No. S.O. 957/Ess. Comm/Iron & Steel-16, dated the 14th April, 1960, the following corrections shall be made, namely:—

(i) In para 1,

For the word "notification" occurring between the words "following" and "issued",

Read "order", and

(iii) In the Order,

For the word "Notification" occurring after quotations,

Read "Order",

[No. SC(A)-1(28)/59.]

M. C. MISRA, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 4th May 1960

S.O. 1278.—In pursuance of the provisions of sub-section 4(iii) of section 4 of the Indian Lac Cess Act, 1930 (No. 24 of 1930) as amended from time to time, the Central Government hereby appoint Shri Lila Dhar Baroah, Ward No. 3, Noomati Road, Gauhati, Assam, Member, Rajya Sabha (elected from among themselves) representing Parliament to be a member of the Governing Body of the Indian Lac Cess Committee with effect from 21st April, 1960 *vice* Shri Braj Bihari Sharma retired.

[No. 3-35/60-Com.III.]

New Delhi, the 5th May 1960

S.O. 1279.—Under section 4 of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to appoint/nominate the following persons to be members of the Indian Central Cotton Committee, Bombay, for a period of three years with effect from 1st April, 1960.

Sl. No.	Name	Part of Section 4
1.	Shri P. D. Nair, Agriculture Adviser, Kerala State Government, Trivandrum.	4 (ix)
2.	Shri Ramalinga Reddy, M.L.A., Adoni, District Kurnool.	4 (x)
3.	Shri D. Viswanadha Reddy, Director of Agriculture, Andhra Pradesh, Hyderabad.	4 (x)

[No. 1-18/59-Com. II/IV.]

AJUDHIA PRASADA, Under Secy.

MINISTRY OF HEALTH*New Delhi, the 5th May 1960*

S.O. 1280.—The Rajya Sabha having elected Shrimati Jahanara Jaipal Singh, Member, Rajya Sabha, to be a member of the Indian Nursing Council under clause (O) of sub-section (1) of Section 3 of the Indian Nursing Council Act, (48 of 1947) vice Dr. R. P. Dube, Member, Rajya Sabha, the Central Government, in pursuance of sub-section (1) of Section 3 of the said Act, hereby makes the following amendment in the notification of the Government of India, Ministry of Health, No. F.27-57/57-MII(B), dated the 1st December, 1958, namely:—

In the said notification under the heading “Elected under clause (O) of sub-section (1) of Section 3” for the existing entry 3, the following entry shall be substituted, namely:—

“3. Shrimati Jahanara Jaipal Singh, M.P.”

[No. F. 27-11/60-MII.]

R. MURTHI, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS**(Department of Transport)****(Transport Wing)****PORTS***New Delhi, the 13th May 1960*

S.O. 1281.—In exercise of the powers conferred by sub-section (3) of section 3 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby authorises Shri Frederick Herbert Lynn, Pilot of the Bombay Port Trust, to pilot vessels in the Port of Bombay.

[No. 8-PE(29)/60.]

Miss I. INDIRA, Under Secy.

(P. & T. Board)*New Delhi, the 10th May 1960*

S.O. 1282.—In pursuance of para 1(a) of section III of rule 434 of the Indian Telegraphs Rules, 1951 as introduced by S.O. 627 dated 8th March 1960 the Central Government hereby specifies the 1st day of July 1960 as the date on which the measured rate system will be introduced at Jullundur Cantt. telephone exchange.

[No. 11-4/60-PHC.]

S. MAHADEVA IYER,

Director of Telephones (E).

(Departments of Communications and Civil Aviation)**(P. & T. Board)***New Delhi, the 13th May 1960*

S.O. 1283.—In exercise of the powers conferred by section 43 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendment in the Indian Post Office Rules, 1933, namely:—

For rule 150 of the said Rules, the following rule shall be substituted:—

“150 (1) Rules 122, 123 and 124 relating to inland money orders shall apply *mutatis mutandis* to foreign sterling money orders and foreign rupee money orders.

- (2) The post office of issue, on receipt of an application from the remitter, shall forward it for disposal to the Indian Post Office of Exchange to which the money order was originally sent".

[No. MR. 1-17/59-Guide/Vol. II/CF.]

K. K. SARAN, Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 29th April 1960

S.O. 1284.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the notification of the Government of India in the Ministry of Works, Housing and Supply, S.R.O. No. 635, dated the 28th February, 1957, namely:—

In the schedule to the said notification,

- (1) in Part II—General Central Services, Class III for the heading "Estate Office" and all the entries relating thereto, the following heading and entries shall be substituted, namely:—

I	2	3	4	5
<i>"Directorate of Estates.</i>				
All posts	Director of Estates	Director of Estates	All	Deputy Secretary Ministry of Works, Housing and Supply"

- (2) in Part III—General Central Services, Class IV for the heading "Estate Office" and all the entries relating thereto, the following heading and entries shall be substituted, namely:—

I	2	3	4	5
<i>"Directorate of Estates.</i>				
All posts	Deputy Director of Estates (Administration)	Deputy Director of Estates (Administration)	All	Director of Estates"

[No. AV-8(7)/59.]

K. G. S. PISHARODY, Dy. Secy.

New Delhi, the 12th May 1960

S.O. 1285.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column 1 of the table below, being gazetted officers of Government, to be estate officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

<i>Designation of officers</i>	<i>Categories of public premises and local limits of jurisdiction</i>
1	2
1. The Deputy Assistant Director General (Medical Store), Medical Store Depot, Bombay.	Premises under the administrative control of the Medical Store Depot, Ministry of Health at Bombay.
2. Assistant Estate Manager to the Government of India, Calcutta.	Premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government in Calcutta except such of them as are under the administrative control of other estate officers.

[No. 14/3/60-Acc.]

R. C. MEHRA, Under Secy.

MINISTRY OF IRRIGATION & POWER

New Delhi, the 14th May 1960

S.O. 1286.—In exercise of the powers conferred by clause (a) of sub-section 36A of the Indian Electricity Act, 1910 (9 of 1910), the Central Government hereby nominates the following members on the Central Electricity Board, namely:—

1. Shri M. G. Kaul, I.C.S., Joint Secretary, Ministry of Defence, New Delhi.
2. Shri A. B. Sen, Superintending Engineer (Electrical), Central Electricity Circle, Central Public Works Department, New Delhi.
3. Shri P. Mukundan, Deputy Chief Engineer(M), Indian Posts and Telegraphs Department, New Delhi.
4. Shri A. C. Ramchandani, Chief Engineer, All India Radio, New Delhi.
5. Shri N. B. Prasad, Head, Engineering Division, Atomic Energy Establishment, Trombay, Bombay.

[No. EL-II-4(4)/59.]

ORDERS

New Delhi, the 9th May 1960

S.O. 1287.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118, proviso (a),
- (ii) Rule 119(1)(a), and
- (iii) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one Model 1300, 3.3 K.V., P & H shovel, serial No. 21732—

- One 200 H.P., 3.3 K.V., P & H Squirrel cage hoist motor, serial No. 114332-2-E-1258.
- One 100 H.P., 3.3 K.V., P & H Squirrel cage M.G. Set motor, serial No. 89261-2-A-159,
- One 30 K.V.A., type H 30 CG, 3 phase, 3300/380/115/105, P & H transformer, serial No. 10930 for the control circuits, lighting supply and auxiliary equipment,

One length of 1,000 feet of type SHD, 6 AWG—3001 to 4000 volts, 133 strands, 3 conductor type three insulated core, individually screened with three split ground conductors, the combined construction of the screen being .0342 sq. inch and the combined construction of the ground conductors .049 sq. inch and one Type F/x 125/DO, 3300 volts, Reyrolle switch, serial No. 20SF1071, fitted with special tailend fittings for the special type of flexible trailing cable

in No. 2, North Extension, South Plot, Kargali Colliery of Messrs. National Coal Development Corporation Ltd., to the extent that (i) the transportable motors of the shovel may be used at 3.3 K.V., (ii) the transformers and other associated equipments using energy at high voltage may not be fixed apparatus when installed on the transportable shovel moving from place to place, and (iii) the length of the flexible cable with the transportable machine may not exceed 1,000 feet, and that the relaxation shall be subject to the following conditions:—

- (1) The installations and wiring inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, rules 115—117, 121, 123—125 and 130.
- (2) The flexible trailing cable for use with the excavating machine shall be worked and handled with due care so as to avoid any danger arising out of its use. It shall be of adequate size. The 3.3 K.V. supply through the same shall be controlled by a proper circuit-breaker provided with earth-leakage protection to cover the system under earth-leakage fault condition. The flexible cable shall be connected to the said circuit-breaker and the machine by properly constructed connector boxes.
- (3) The high voltage motors and transformer shall each be controlled by a circuit-breaker rated to the ratings of the apparatus concerned and installed within the shovel.
- (4) The excavating machine shall be worked with due care so as to avert danger arising out of any electrical defect and the insulation resistance of the high voltage circuit, including driving motors, shall be at no time less than 10 megohms.
- (5) The operators of the shovel shall be trained and authorised for operating the shovel with competency and due care to avert danger:

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and that the information shall be given to the Central Government through the Electric Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL.II-3(9)/60.]

New Delhi, the 14th May 1960

S.O. 1288.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 119(1)(a),
- (ii) Rule 118(c) and
- (iii) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus and cable in conjunction with Model CE-750-40 Reich transportable Rotary Drill, serial No. CE 59176—

- One 150 K.V.A., 3300/550 volts, Delta-Delta connected General Electric transformer, serial No. D317627 with linked fuse,
- One length of 660 feet of 6 AWG, 49 strand, 3 conductor type, type Sh-D, 5000 volts grade cable with 3 live screen protected insulated conductors and 3 braided conductors connected up as the earth lead,
- One G.E. single phase 540-240/120 volts lighting transformer.

at the quarries of Gidi Colliery of Messrs National Coal Development Corporation Limited, to the extent that—

- (a) in relaxation of Rule 119(1)(a), the 3 phase 150 KVA, 3,300/550 volts transformer with its associated equipment using energy at high voltage may not be fixed apparatus as it is installed on the transportable drill moving from place to place,
- (b) in relaxation of Rule 118(c), the 120 volts supply, intended for use for lighting purpose for the transportable Rotary drill from the single phase 3 KVA 540/240/120 volts lighting transformer having no mid voltage point for earthing, may be used,
- (c) in relaxation of sub-rule (7) of Rule 123, the flexible cable with the transportable machine, of a length of 660 feet may be used,

and that the relaxation shall be subject to the following conditions:

- (1) The flexible trailing cable for use with the excavating machine shall be worked and handled with due care so as to avoid any danger arising out of its use.

The flexible cable shall be connected to the machine by properly constructed connector boxes.

- (2) The drill shall be worked with due care so as to avert danger arising out of any electrical defect and the insulation resistance of the high voltage circuit shall at no time be less than 10 megohms.
- (3) The operators of the drill shall be trained and authorised for operating the drill with competency and due care to avert danger.
- (4) The lighting circuit for the drill shall be taken from 120 volts tapping of the secondary side of the 3 kVA lighting transformer and 240 volts tapping on the secondary side of the said transformer shall be suitably sealed to prevent danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and that due information shall be given to the Central Government through the Electric Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL-II-3(4)/60.]

S.O. 1289.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 119(1)(a)
- (ii) Rule 118(c) and
- (iii) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus and cable in conjunction with Model CE-750-37 Reich transportable Rotary Drill, serial No. CE 59177—

One 150 K.V.A., 3300/550 volts, 3 phase, General Electric transformer, serial No. D317628 with linked fuse,

One length of 660 feet of 6 AWC, 49 strand, 3 conductor type, type Sh-D, 5000 volts grade cable with 3 live screen protected insulated conductors and 3 braided conductors connected up as the earth lead,

One G.E., single phase 540-240/120 volts lighting transformer,

at the quarries of Bhurkunda colliery of Messrs National Coal Development Corporation Limited to the extent that—

- (a) in relaxation of Rule 119(1)(a), the 3 phase, 150 KVA., 3,300/550 volts transformer with its associated equipment using energy at high voltage may not be fixed apparatus as it is installed on the transportable drill moving from place to place,
- (b) in relaxation of Rule 118(c), the 120 volts supply, intended for use for lighting purpose for the transportable Rotary drill from the single phase 3 KVA, 540/240/120 volts lighting transformer having no mid voltage point for earthing, may be used,

- (c) in relaxation of sub-rule (7) of Rule 123, the flexible cable with the transportable machine, of a length of 660 feet may be used,

and that the relaxation shall be subject to the following conditions:

- (1) The flexible trailing cable for use with the drilling machine shall be worked and handled with due care so as to avoid any danger arising out of its use. The flexible cable shall be connected to the machine by properly constructed connector boxes.
- (2) The drill shall be worked with due care so as to avert danger arising out of any electrical defect and the insulation resistance of the high voltage circuit shall at no time be less than 10 megohms.
- (3) The operators of the drill shall be trained and authorised for operating the drill with competency and due care to avert danger.
- (4) The lighting circuit for the drill shall be taken from 120 volts tapping of the secondary side of the 3 kVA lighting transformer and 240 volts tapping on the secondary side of the said transformer shall be suitably sealed to prevent danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and that due information shall be given to the Central Government through the Electric Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL-II-3(8)/60.]

S.O. 1290.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 119(1)(a),
- (ii) Rule 118(c) and
- (iii) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus and cable in conjunction with Model CE-750-40 Reich transportable Rotary Drill, serial No. CE 59175—

- One 150 K.V.A., 3300/550 volts, Delta-Delta connected General Electric Transformer, serial No. D 317629 with linked fuse,
- One length of 660 feet of 6 AWG, 49 strand, 3 conductor type, type Sh-D, 5000 volts grade cable with 3 live screen protected insulated conductors and 3 braided conductors connected up as the earth lead,
- One G.E., single phase, 540-240/120 volts lighting transformer

at the quarries of Kathara colliery of Messrs National Coal Development Corporation Ltd. to the extent that—

- (a) in relaxation of Rule 119(1)(a), the 3 phase, 150 K.V.A., 3,300/550 volts transformer with its associated equipment using energy at high voltage may not be fixed apparatus as it is installed on the portable drill moving from place to place,
- (b) in relaxation of Rule 118(c), the 120 volts supply intended for use for lighting purpose within the drill from the 3 kVA, 540/240/120 volts, single phase lighting transformer, having no mid or neutral point for earthing, may be used,
- (c) in relaxation of sub-rule (7) of Rule 123, the flexible cable with the transportable machine, of a length of 660 feet may be used,

and that the relaxation shall be subject to the following conditions:

- (1) The flexible trailing cable for use with the excavating machine shall be worked and handled with due care so as to avoid any danger arising out of its use. The flexible cable shall be connected to the machine by properly constructed connector boxes.

- (2) The drill shall be worked with due care so as to avert danger arising out of any electrical defect and the insulation resistance of the high voltage circuit shall at no time be less than 10 megohms.
- (3) The operators of the drill shall be trained and authorised for operating the drill with competency and due care to avert danger.
- (4) The lighting circuit for the drill shall be taken from 120 volts tapping of the secondary side of the lighting transformer and 240 volts tapping on the secondary side of the said transformer shall be suitably sealed so as to prevent danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and that due information shall be given to the Central Government through the Electric Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL-III-3(32)/59.]

N. S. VASANT,
Officer on Special Duty.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 9th May 1960

S.O. 1291.—In exercise of the powers conferred upon me by sub-Section (2) of section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, S. W. Shiveshwarkar, Chief Settlement Commissioner, hereby delegate with effect from the 4th of April, 1960 my power under sub-Section (2) of Section 30 of the said Act to Shri B. S. Grewal, I.C.S., Settlement Commissioner, Punjab, in so far as such orders relate to any sums due under the said Act in respect of the property (including agricultural land) in the State of Punjab in a rural area as defined in clause (f) of rule 2 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 and forming part of the Compensation Pool.

[No. 3(37)/Policy-II/59.]

ORDER

New Delhi, the 9th May 1960

S.O. 1292.—In exercise of the powers conferred by sub-Section (2) of Section 34 of Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I, S. W. Shiveshwarkar, Chief Settlement Commissioner, hereby delegate, with effect from the 4th April, 1960, to Shri B. S. Grewal, I.C.S., Settlement Commissioner, Punjab, the powers conferred upon me under Section 23, 24 & 28 of the said Act for the purpose of passing necessary orders under these sections in so far as they relate to the custody, management and disposal of property (including agricultural land) in the State of Punjab in a rural area as defined in clause (f) of rule 2 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, which forms part of the Compensation Pool.

[No. 3(37)/Policy-II/59.]

S. W. SHIVESHWARKAR,
Chief Settlement Commissioner.

(Office of the Chief Settlement Commissioner)

New Delhi, the 12th May 1960

S.O. 1293.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Uttar Pradesh for a public purpose, being purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons ;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government as decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule hereto annexed.

THE SCHEDULE

Sl. No	Name of village	Name of evacuee	Accommodation	Boundaries	Remarks
1	Village Jamalpur Teh. Chandauli.	Sri Abdul Rab alias Nanhey Mian S/o Molvi Abdur Samad.	3 Rooms and 4 Varandahs.	E. Sahan W. Grove N. Partil and S. Plot.	Pucca House.
2	Village Chaurahat Teh. Chandauli.	Abdul Jabbar S/o Raijab.	3 Rooms.	E. H/o Mustafa W. Gali & H/o Shiodas N. H/o Gujjan S. Gali.	Khandhar.
3	Village Rampur Teh. Chandauli.	Karimullah S/o Mikhu.	Parti	E. Portion of Azimulla W. Tank. N. Parti S. H/o Abdul Mian.	Parti.

[No. 2(5), Policy-II/59.]

New Delhi, the 13th May 1960

S.O. 1294.—Whereas the Central Government is of opinion that it is necessary to acquire the exacuee properties specified in the Schedule hereto annexed, in the Union territory of Delhi for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

THE SCHEDULE

Sl. No.	Property No.	Area	Evacuee Owner	Remarks
<i>Village "Sanot"</i>				
1.	House No. 5/2	792 Sq. ft.	Shri Nasib-ud-Din S/o Shri Rahmatulla (1/3rd share) Shri Abdul Ghani S/O Shri Allah Dia (2/3rd share)	

[No. 1(5)/Policy-II/59.]

New Delhi, the 14th May 1960

S.O. 1295.—In exercise of the powers conferred by sub-section (i) of section 6 of the Administration of Evacuee Property, Act 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Punjab, Shri B. S. Grewal, I.C.S. for the time being holding the post of Secretary to the Government of Punjab Rehabilitation Department as Custodian for the purpose of discharging the duties assigned to the Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 16(6) Admn. (Prop.)/59.]

KANWAR BAHADUR,

Settlement Commissioner & *Ex-Officio* Dy. Secy.
Dy. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 10th May 1960

S.O. 1296.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Sirka Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.**

REFERENCE No. 64 OF 1959.

PARTIES:

Employers in relation to the Sirka Colliery

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A., B.L., Chairman,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. S. Mukherjea, Advocate, with

Shri J. L. Sinha, Group Personnel Officer—
for the employers.

Shri D. Narsingh, Advocate, with

Shri S. K. Mukherjea, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 29th April, 1960.

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. LR.II-2(166)/59, dated 23/24th October 1959 referred the aforesaid dispute to the Central Government Industrial Tribunal at Dhanbad presided over by Shri Salim M. Merchant for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947). As his service became subsequently unavailable consequent on his transfer to Bombay, the aforesaid Ministry by its Order No. 4/47/59-LRII, dated the 13th January 1960 withdrew the above proceeding under Section 33B(1) of the said Act and transferred the same to the Industrial Tribunal at Dhanbad presided over by me for disposal.

2. The issue which has been referred to this Tribunal for adjudication as contained in the Schedule to the Order of reference stands as follows:—

“1. Having regard to the duties performed by Shri S. P. Das, a clerk in the loading section, whether the management of Sirka Colliery was justified in placing him in clerical Grade III under the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal, and if not, to what relief is he entitled?”

2. Whether the management of Sirka Colliery was justified in placing Saryashri S. K. Chatterjee and Md. Mahabub, clerks in the Loading Section of the Colliery, in clerical Grade III under the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal and if not, to what relief they are entitled?”

3. I take up the issue No. 2 first. From the paragraph 13 of the management's written statement filed before this Tribunal I get this admission that for a time Shri S. K. Chatterjee and Md. Mahabub were styled as Loading Clerks which was a generic term. If in this context I refer to Exhibit 1(a) to 1(f) I get that both Shri S. K. Chatterjee and Md. Mahabub were loading clerks at least upto August 1957. From the contents of the said correspondence I further get that their duties were to see that the wagons were loaded according

to specification. They were answerable for any complaint in connection with loading. It seems to be also that the duties of all the loading clerks are as per Exhibit 1(d). They were required to see that the wagons were properly loaded and that their names or signature appeared in front of each wagon. It is only in Exhibit 1 that I find that S. K. Chatterjee has been described as an Assistant Loading Inspector. The management has not given any evidence to show that the duties discharged by these persons were anything other than those of loading clerks. That being so, if I refer to Appendix XVI of All India Industrial Tribunal (Colliery Disputes) occurring in page 1327, Part II, Section 3, Gazette of India Extraordinary, dated 26th May 1956 I find that loading clerks figure under Grade II. The Assistant Loading Clerks only have their place under Grade III. On the other hand, the Loading Inspectors are mentioned under Grade I. So these two men, namely, Shri Chatterjee and Md. Mahabub should have been put in the Grade II because none of them are even alleged to be Assistant Loading Clerks. If they are assumed to be Assistant Loading Inspectors there is no appropriate grade for them. But Assistant Loading Inspector being in rank inferior to loading inspectors, it may very well be expected that if loading inspectors find their place in Grade I Assistant Loading Inspectors must be supposed to occupy Grade II very much in the same way as loading clerks being in Grade II Assistant Loading Clerks being in the next grade below occupy Grade III. So there can be no room for doubt that S. K. Chatterjee and Md. Mahabub were wrongly put in Grade III by the management. The proper relief would be that they should be put in grade II and not in Grade III.

4. Regarding any consequential relief, namely, from which date this placing would have effect, whether prospective from the date the award becomes operative or retrospective from the date the Majumdar Award as modified by the decision of the Labour Appellate Tribunal was implemented and whether the monetary compensation during the intervening period should be given to the persons concerned. I must point out, namely, that the workmen claim that the award should be retrospective and that all these consequential reliefs should be given to these persons. I am afraid I am unable to give them for several reasons. All awards should ordinarily be prospective. But where to meet the ends of justice it appears to the Tribunal that the workmen have been wantonly wronged or have been put to unnecessary loss for *mala fide* acts of the management, it is only then that the Tribunal thinks of giving retrospective operation to the award in the shape of making reparation. But in this case the placing of one person under one grade or another according to the Majumdar Award is purely a management's function. It is practically an implementation of the award. If the award was not implemented, then it is not this Tribunal which would grant the relief by way of implementation. The proper forum would be Government in the matter. But if over wrong implementation, a doubt or dispute has arisen and the matter has been referred to the Tribunal it is for the Tribunal to correctly indicate how the award should be interpreted. So it is not incumbent upon me to give effect to the Majumdar Award or the Labour Appellate Tribunal decision in the present dispute as the union wants me to. It is for me to decide what should be the appropriate relief in such a case as will follow incidentally from my award. The only legitimate relief that I can indicate is that these men should be put into the grade which is found by this Tribunal to be appropriate under the award. I find in the present case that the management is not accused specifically of any *mala fide* or want of good faith by the other side. So I cannot make it liable for all the consequential reliefs that would have followed, had the Majumdar Award been implemented in proper time. The management might have made error of judgment or might have reasonable room for thinking or doubting in which grade these men should be put. Now if these men are put into their proper grade, the wrong is redressed. To follow it up by giving consequential reliefs would be punitive justice. But the learned advocate on behalf of the workmen contends that the Tribunal is competent to grant also other reliefs which are incidental to this award under Section 10(4) of the amended Industrial Disputes Act, 1947 if it cannot do so directly under the issue. In regard to incidental matters, no doubt the Tribunal's jurisdiction has been extended even beyond the apparent scope of the issue. But by this the Tribunal cannot travel far beyond the issue itself and to assume jurisdiction in matters which require further evidence and further statement of parties, as such consequential reliefs will entail. Regarding putting into grade, the management should be entrusted because it has done so in the case of so many persons and there is no particular animosity alleged or proved against these persons concerned. The learned advocate on behalf of the workmen draws my attention to paras 315 and 316 of the Labour Appellate Tribunal's

decision in the colliery appeals. On the basis of this, he claims, namely, that the workmen in this case are entitled to one increment for every 4 completed years of service subject to the maximum of three increments. But he forgets that this provision was made only in respect of very senior people in service who do not stand to benefit even if they are put in the revised scale. Either their top most salary in the existing grade falls below the minimum salary of the revised scale or having only a few years left to their retirement, they practically do not stand to have benefit under the revised scale. It is only in such exceptional cases that these special increments with an eye to the length of service have been provided for. It is more of the nature of an exception than of a rule. Whether these employees are entitled to get such special increments, will entail evidence. So this relief the Tribunal is unable to grant in this case. Rather the workmen might be placed at the stage in the new scale equal to or next above his basic pay in the existing scale. If his pay falls in between two stages of the revised scale, he should be placed at the stage next above his existing scale. But if his top most salary is less than the minimum of the revised scale, that should be pulled up to the minimum of the prescribed scale. I reiterate those principles of the Labour Appellate Tribunal's decision only to indicate that they may be borne in mind by the management when placing those people in revised Grade II. But the matter after all is left to the management to give effect to as they have done in innumerable other cases.

5. Regarding the compensation for the marginal benefit which might otherwise have accrued to these men in question if they had been put in Grade II at the proper time, I must say that I negative the claim. The reason is that the management in this case was not found by me to be guilty of any *mala fide* or malice against the workmen in question. The issue is thus disposed of.

Issue No. 1.

6. It is contended by the management that Shri S. P. Das had been doing some clerical work at the time of the Majumdar Award and so was put in Grade III while other bill clerks pre-award have been put in Clerical Grade II. It is further contended that his duties are less onerous than those of other bill clerks employed in preparing weekly wage sheet of earth cutters, miners, calculating sirdars' commission, bills for tramming sirdars etc. It is also contended that miners' bills contained many fractions of tubs which required careful calculation. In the case of S. P. Das he is entrusted with the preparation of bill for loading sirdars and wage sheet for wagon loaders and shale pickers. The number of wagon loaders is 108 while that of shale pickers is 12. So the work is rather simple. His work also does not stand comparison with that of Grade II clerks in Saunda and Religara collieries in preparing loading bills. If by its side I place the statement of demand filed by the employee in question, I get that his nature of work is not in any way less than the bill clerks in charge of earth cutting, mining etc. I really fail to be impressed, namely that because S. P. Das was a clerk and not a bill clerk at the time of the Majumdar Award he should be relegated to grade III. Apparently the management did not consider the nature of his duties in their proper perspective. Even if I take the management's written statement on its face value with regard to the duties done by the bill clerks Sarvashri Manzil Huq, A. Rahman and S. K. Goswami, I find that what S. P. Das did in connection with the preparation of bills for loading sirdars and wage sheets for wagon loaders and shale pickers was not in any way the less. If the wage bills of miners involved calculation of fractions, that does not by itself mean that the wage bills prepared by S. P. Das are easy and simple. Of course, I agree with the management's version, namely, that the duties of S. P. Das cannot be compared properly with those of grade II clerks in Saunda and Religara collieries, because each has peculiar characteristics of its own. But I cannot at the same time hold that the duties of S. P. Das must be supposed to be less onerous and less responsible. So it is clear that S. P. Das is nothing else than a bill clerk. If he is a bill clerk, then his appropriate grade is II. If he was a coal bill clerk then there might be some room for doubt whether he should be put in Grade II or Grade III because in Appendix XVI coal bill clerks figure both in Grades II and III. In such cases there should be proper scrutiny whether the standard of efficiency of the clerk concerned justifies his occupation of Grade II or Grade III. But in the case of Bill Clerk he does not figure in grade III. So once it is found that S. P. Das is a bill clerk as I have found, there is no escape from the position that according to the Majumdar Award as per Appendix XVI he should be put in Grade II and not in any other grade. This disposes of the first portion of the issue.

7. Regarding the second portion of the issue I have already remarked in detail to what extent I can grant the relief. The primary relief that I grant is that S. P. Das should be put in Grade II as soon as my present award becomes operative. Regarding the retrospective operation to this award I have already stated that I refrain from granting it. I should not repeat the reasons. They apply *mutatis mutandis* in the case of S. P. Das also. I may add only that Government in this case have not sent the case to determine how the adjustment should be made. I have been called upon to decide whether the particular workman should be placed in supersession of what the management has done and to award accordingly. But if it is not any *mala fide* but mere error of judgment, the Tribunal does not award past relief or grant any retrospective operation to the award. I do not do so here.

8. In the circumstances above, I make no order for costs. All these three persons should be put into Grade II as soon as the award becomes operative.

(Sd.) G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;
The 29th April, 1960.

[No. 2/166/59-LR-II.]

S.O. 1297.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Raneegeunge Coal Association Limited, Kustore Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.

REFERENCE No. 12 OF 1958.

PARTIES:

Employers in relation to Raneegeunge Coal Association Limited, Kustore Colliery, P.O. Kusunda, District Dhanbad

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A., B.L., *Chairman*,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. N. Bhattacharyya, Advocate, with
Shri K. De and Shri S. S. Mukherjee, Advocates,—for the Employers.
Shri S. K. Mukherjee, Advocate, with
Shri P. B. D. Chaudhury, Hon. General Secretary, Colliery Staff Association,—for the workmen.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 29th April 1960

AWARD

The Ministry of Labour & Employment, Government of India, by its Order No. LR.II-55-I(44)/57, dated 19th March, 1958 referred to the Industrial Tribunal at Dhanbad presided over by Shri Salim M. Merchant, the aforesaid dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947). As his service ceased to be available due to his transfer to Bombay, the aforesaid Government withdrew the said proceeding under Section 33B(1) of the said Act and transferred it to this Tribunal at Dhanbad presided over by me for disposal by its Order No. 4/47/59-LR.II, dated the 13th January 1960.

2. The issue which was contained in the Schedule to the Order of reference stands as follows:—

“Whether the termination of services of Sarvashri Durga Pada Mitra, Ram Gopal Chatterjee and Bhaya Kinkar Mukherjee, is justified; and if not, to what relief they are entitled?”

3. The learned Advocate on behalf of the management raised a preliminary legal objection, namely, that the present reference is bad because it is barred by the rule of *res judicata* as defined under Section 11 of the Code of Civil Procedure (Act V of 1908). My predecessor in office Shri Merchant gave his finding on this preliminary legal objection, namely, that this contention was not tenable. Against that a Rule was obtained from the High Court of Patna. This Rule eventually came to be discharged. Regarding this objection on the score of *res judicata* I must point out that it has been very elaborately dealt with in the judgment delivered by my predecessor in office. So I do not refer to the details of facts involved in this case just to avoid repetition. The company owned the collieries, namely, Kustore and Burragarh collieries. Ration shops were maintained by the Company for the purpose of foodgrains concession given to the colliery workers. 18 workmen were employed, 10 of whom were ration clerks. The present three clerks were included in that category. It is admitted that they were permanent workmen. The Majumdar Award gave its award on 26th May 1956. It abolished the existing foodgrain concession benefits, and directed the award to be given effect to within three months of the publication of the Award. As a result of this award the ration department was wound up. Five of the 10 clerks were absorbed in other departments of the collieries. Regarding the remaining five the company served a notice on 5th December 1956. By the said notice those clerks including the present three were informed that the ration department has been abolished. The management has decided to retrench them as no alternative job could be found available. They were asked to collect the retrenchment compensation and to vacate the quarters of the company. It was further stated in the said notice that the management was filing necessary application for permission before the Labour Appellate Tribunal of India and they would be on leave without pay with immediate effect till permission was obtained. The management says that they had filed applications under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950. But these applications were eventually struck off, the Appellate Tribunal having become defunct. These three workmen under reference filed an application under Section 23 of the Appellate Tribunal Act jointly complaining against their being put on leave without pay by the notice dated 5th December 1956. They wanted the said order of the management to be set aside and also to be given permission to join. This proceeding under Section 23 aforesaid ended in a compromise by which these three workmen were paid wages including bonus from 1st December 1956 to 31st May 1957. In the said compromise it was definitely stated that this would be without prejudice to the company's subsequent notice, dated 17th May 1957. The company speaks of having made offers to these three workmen to present themselves for interviews with an eye to some vacancies in the upper grade but instead of complying with the same, these workmen indulged in parleys and needless correspondence.

4. Let me consider the question of *res judicata* raised by the management. The issue before the Majumdar Tribunal was whether the ration shop should be allowed to continue. That is certainly not the issue before me in the present case. The learned advocate on behalf of the management says that there was further contention by the union, namely, that the abolition of the ration shop would result in unemployment of the personnel engaged. This was canvassed for determination. But it did not find favour with the Tribunal and also with the Labour Appellate Tribunal who sat in judgment over the Majumdar Award. The learned judges found that this consideration could not turn the scale of their finding in favour of abolition because these people could very well be absorbed by the collieries or be absorbed in the food distribution work which was there or might find employment elsewhere. The learned advocate of the management banks on this finding. He contends that this is constructive *res judicata* and refers to the case reported in 6 C.L.J., page 621. But I am afraid I cannot concur with the learned advocate on this point. *Res judicata* contained under Section 11 of Civil Procedure Code prescribes that the same matter which is directly and substantially in issue in a former suit between the same parties and if it is decided after full enquiry, cannot be re-agitated in a subsequent suit. In the explanation (iii) it is further stated that the matter in question to constitute a *res judicata* must have been alleged in the former suit by one party and denied or admitted expressly or impliedly by the other party. This seems to be what the learned

advocate had in view. But this is not, however constructive *res judicata* for anything I know. The constructive *res judicata* comes in the explanation (iv) which follows next. It relates that any matter which might or ought to have raised in the former suit shall be deemed to have been a matter directly and substantially in issue in that suit. That is not what has happened here. At all events, *res judicata* cannot be pleaded as a bar in the present case. It is not the continuance of the ration shop that is mooted before me. Neither is it agitated before me, that the ration shop should remain because it will result in unemployment. The matter before me is entirely different. The matter which is canvassed for determination here is whether the termination of service of these three workmen is justified or not. This was certainly not mooted nor decided upon either by the Majumdar Award or by the Labour Appellate Tribunal decision. Next, when all things had been said and done, the fact remains that *res judicata per se* is not applicable to industrial adjudication. That has been held by the Hon'ble Supreme Court in the case of *Burn & Co. Ltd. versus their employees* reported in 1957, Vol. I, L.L.J., p. 226. Rule of *res judicata* stands for finality in litigation. It is also based on a salutary principle of public policy, namely, to avoid multiplicity of suits. So a decision once made by a competent civil court is considered as final for all time to come. That would make for stability. But in industrial adjudication this rule of *res judicata* has been introduced only in a limited form. The reason is obvious. For instance, if an employee is dismissed for misconduct, the matter cannot be re-agitated again as soon as the award has lapsed by efflux of time. When a wage-scale has been fixed, no finality can be given to it. Wage scale was determined in the context of certain circumstances, viz., the position of the industry, the pecuniary position of the employers, the existing conditions of the cost of living, etc. Now these elements are bound to change in course of time. So what was a good award at one time might fail to subscribe the legitimate needs of the employees when the circumstances have undergone change. If the prices go up and if the trade prospects become brighter, the wage scale calls for revision. If this is not done or is not permissible, discontent of the employees will be brewing. It may result in industrial unrest. That is why the rule of *res judicata* has been given finality till there occur changed circumstances. So the learned Advocate of the management cannot invoke the aid of the rule of *res judicata* in his favour in the present case. This disposes of the preliminary objection.

5. Next, I come to consider the question of the case on the merits. There are two notices to terminate the services of these three workmen. The first one is of 5th December 1956. By this notice these workmen were put on leave without pay with immediate effect. This clearly shows that their services had not been terminated because, otherwise their question of leave does not arise. It did not answer the requirements of law also, namely, wages for one month's notice or payment of retrenchment compensation equivalent to 15 days average pay for every completed year of service or notice in the prescribed manner to serve on the appropriate Government have not been complied with. The management possibly was alive to the shortcomings of this notice. That is why they gave the subsequent notice, dated 17th May 1957. So it is clear that by the previous notice their services were not terminated. Then I come to consider the notice of 17th May 1957. That also did not answer the requirements of Section 25F. It is said that wages were paid upto 31st May 1957. That is not one month from 17th May 1957. There is no evidence that these workmen were paid compensation equivalent to 15 days average pay for every year of service or in part thereof in excess of six months as required under Section 25F(b) of the Industrial Disputes Act. So these three workmen do not appear to have been validly terminated.

6. If, however, I suppose that the issue in this case pre-supposes termination in fact, of services of these three workmen and all that is required of the present Tribunal is to decide whether it is justified only, even then I find that the requirements of Section 25G have not been complied with. Section 25G gives the procedure for retrenchment. It is incumbent on every employer to comply with this procedure or to state reasons why they are not so complied with. It is the definite objection raised by the employees that "last come first go" principle has not been followed in the present case of retrenchment. In other words, they had been selected for retrenchment while there were more junior people to them in the category to which they belonged. The employees have named seven workmen who have subsequently been taken in service after their retrenchment. The management's contention is that these new recruits have been taken

in grade II while these three workmen in question belonged to Grade III only. Now if these workmen were ration issue clerks or clerks to distribute ration cards, they would come appropriately under Grade III of Appendix XVI of the All India Industrial Tribunal (Colliery Disputes). Let me assume that these three clerks belonged to grade III. But even then it was incumbent on the management to clearly establish that they were the junior most workmen in grade III in the company's establishment. The Chief Personnel Officer who was examined by the management says that these three persons were the junior-most. But mere word of mouth will not do. The company should have furnished a list just to show who occupied Grade III in its establishment with their dates of appointment so that the Tribunal could have seen for itself whether these three clerks were junior-most or not. It is contended by the management that the pay sheets which have been filed will show that they were junior-most. But the pay sheets do not contain the date of entry into the service. That being so, the pay sheets do not help the matter. As the company withholds such records which they must have had in their custody to show that these three clerks were the junior-most in grade III, it will not be unfair to presume that if these records were produced they might have shown the contrary. The workmen do not have in their possession any record to show what relative position they occupied in the matter of seniority in their grade. So they could not possibly have supplied any data before the Tribunal in this respect. Law casts a duty under Section 25G that the employer must observe this procedure in retrenchment. Junior-most in the category should first be retrenched before those above him unless there are special reasons for any particular departure from this principle. The management does not show that they had any particular reason for selecting these men for retrenchment though they were not junior most men in their grade. Besides, it is not the fault of these workmen that they were put in the ration department. As a matter of fact, these people have conclusively proved that they did hold clerical jobs before they were deputed to work in the ration department. So on the abolition of the ration department they naturally reverted to clerical jobs in the establishment. As a matter of fact, they did assist the department in carrying on the clerical duties partly, when the work in the ration department became less and less and fully when the ration department was abolished. Ration department is not a water-tight compartment. It does not require any special skill or technical training. It does not require particular people to work in the said job who are otherwise unfit to hold any clerical job in the establishment. Any clerk in the establishment might just go over and do work in the ration department and *vice versa*. That is the evidence. The management also in a manner admits this when they ask these people for interviews to see if they could be taken under Upper Grade, namely, Grade II. The management makes a grievance of the fact that these people did not reciprocate this good gesture. Instead of appearing for interview they indulged in long correspondence. But if this correspondence is scrutinised it will appear what these three people claimed was to be enlightened whether there would be continuity of service and whether their old wage scale should be maintained. But the management refused to make any commitment. It was reasonable apprehension in the minds of these three workmen that if they would just join, they might lose the benefit of their long service. So this can never be construed against the employees in question. It was the duty of the management after the abolition of the ration department just to make a pool of all the men liable to be retrenched along with the other people working in the establishment in that particular category and then to select the junior-most people for retrenchment. The management does not appear to have done that. Yet that was a clear duty which has been cast upon the management under law, namely, under Section 25G. The learned advocate on behalf of the union contends that the management did not observe the Central Government Rules prescribed in this behalf, namely, to have a seniority list and all that. But these Rules came into being on 10th March 1957. They might not have been known to the management. So I do not put much emphasis on this point.

7. Having regard to all these facts and circumstances, I find that these clerks mentioned in the order of reference have been unjustly retrenched by the management. They are entitled to reinstatement. I award that they must be reinstated within one month of my award becoming operative. They should get some posts with the same wages that they held next before their retrenchment with equivalent prospects. Regarding the retrenchment compensation, as these workmen did not render actual service to the management during the intervening period from the date of their retrenchment and as the management was not responsible for the abolition of the ration department I do not think that the management should be made liable for payment of compensation during all

this period. This period of absence should be treated as leave without pay. The three workmen will get costs of Rs. 150/- jointly against the management to be payable as soon as the award becomes operative in one lump sum.

(Sd.) G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;

The 29th April, 1960.

[No. 55-2/44/57-LR-II.]

S.O. 1298.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between Messrs. Tata Iron and Steel Company Limited and their workmen, employed in their collieries.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.

REFERENCE No. 60 OF 1959.

PARTIES:

Messrs Tata Iron and Steel Company Limited

AND

Their workmen employed in their collieries.

PRESENT:

Shri G. Palit, M.A., B.L., Chairman,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri G. Prasad, Chief Personnel Officer—for Messrs. Tata Iron and Steel Co. Ltd.

Shri B. N. Sharma, Member, Executive Committee, Colliery Mazdoor Sangh, Dhanbad—for the workmen.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 22nd April, 1960.

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. LR.II-1(48)/59, dated 1st October 1959 referred the aforesaid dispute to the Central Government Industrial Tribunal, Dhanbad, presided over by Shri Salim M. Merchant for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947). As his service was subsequently found to be not available consequent on his transfer to Bombay, the said Ministry withdrew the above proceeding under Section 33B(1) of the aforesaid Act and transferred the same to the Industrial Tribunal at Dhanbad presided over by me for disposal by its Order No. 4/47/59-LR.II, dated 13th January 1960.

2. The issue as per schedule to the order of reference stands as follows:—

“(a) Whether the management's action in withdrawing from their chap-rasis and watchmen working in the colliery offices and also in the watch and ward department the customary concession or privilege of working on Sundays and in thus effecting an adverse change in the usage thereby causing financial loss in their earnings was justified?

(b) If not, to what relief are the said workmen entitled and from what date?”

2. According to the union, Messrs. Tata Iron and Steel Co. Ltd. own several collieries in the district of Dhanbad under the control of their Chief Mining Engineer with their head office at Jamadoba, P.O. Jealgora. The management has in its employ a large number of workmen who are designated as chap-rasis

and watchmen in the aforesaid collieries. These workmen claim to have enjoyed a long standing customary concession or privilege to work on all days in the week including Sundays. For work on Sundays they are being given an extra payment at the rate of $1\frac{1}{2}$ times of the normal wages in addition to their normal monthly wage. Subsequently, however, when the six days working week was introduced, these chaprasis and watchmen were allowed one day off after 6 days work. This one day off was given on days other than Sundays so that the extra wage for Sunday at $1\frac{1}{2}$ times daily rate remained intact. After the Coal Award and the Appellate Decision thereon, all the chaprasis and watchmen who were hitherto daily rated and some monthly rated, came to be placed in one category of monthly scale of pay. They were, however, given the privilege of working on Sundays with the consequent extra payment. So it is alleged that this work on Sunday with this extra payment became a condition of their service. This has, however, been stopped with effect from November 1957 in some cases and with effect from 26th October 1958 in other cases, with the result that there is a fall in earnings to the extent of Rs. 20 to Rs. 25 per month. It is contended that this alteration in the condition of service has been effected without any notice under Section 9A of the Industrial Disputes Act, 1947 and as such is void *ab initio*. It is further alleged that the management's contention that the new grade of Rs. 28-1-48 made provision for making good this fall in the earnings is not justified. The said new scale could never have covered this fall in earnings due to the stoppage of work on Sundays. It cannot be sustained because this usage of work on Sundays continued even after the introduction of the said grade. So the union claims that their working on Sundays should be restored with the extra earnings provided for such work.

3. According to the management as is disclosed in its reply before the Conciliation Officer it is revealed that in 1955 a reorganisation was effected. Some of the chaprasis came to be attached to the office while others were assigned to Watch and Ward staff. The management fixed the grade of Rs. 28-1-48 with effect from 25th May 1956 at the instance of the union when no such grade was elsewhere in contemplation. The Majumdar Award did not provide for it. The Jeejeebhoy award gave a grade for the chaprasis at Rs. 26-1-30-1-40 which was inferior to the scale introduced by this management in respect of the chaprasis. Prior to the award the rate of chaprasis was Rs. 10/- per day. When other allowances were taken into account, his total monthly earning came up to Rs. 53-0-6 per month. If to this four Sundays' extra earnings equivalent to 6 days wages were added, that is, Rs. 9-6-0 is added it came up to Rs. 62-5-6. Even if maximum food concession is conceded the total monthly earnings would come to Rs. 76-6-0. Against this the present grade of earning is Rs. 70 to Rs. 96 per month. So it is contended that the workmen should have no cause for grievance even on the score of earning when the Sunday work was stopped. It is further contended that Sunday work cannot be claimed as a matter of right. Among the watch and ward staff chaprasis who work on Sunday is distributed on rotational basis so that nobody may complain of any preferential treatment.

4. Keeping in view the respective versions of the union and the management before me I find that I am unable to accept any of them *in toto*. I agree with the union when it claims extra wages for employment on Sundays at $1\frac{1}{2}$ times the normal rate. That is certainly a customary concession or usage and may be treated as having become a condition of service. In the Joshi Agreement, which is dated as far back as 1948, this principle of payment for work on holidays was decided upon. The relevant agreement in para 4 bears on this. Under the said Agreement the underground workers were placed on the same footing as surface workers so far as the rate of this extra payment for work on Sundays or holidays was concerned. The Mines Act, 1952, accepted the Joshi Agreement except with regard to the rate. It provided for twice the ordinary rate of wages for work on Sundays or holidays for underground workers while the rate for surface workers for such work was prescribed to be $1\frac{1}{2}$ times their normal rates of wages. The Joshi agreement was also embodied under para 6 of the Standing Orders for the coal mining industry which appeared to have been certified on 8th April 1950. The Labour Appellate Tribunal also observed that there was nothing on record to show that workers on paid holidays were paid by those collieries otherwise than as provided in the Joshi Agreement or the Standing Order as modified by the Mines Act, 1952. So it is clear that this rate of extra payment for employment of surface workers on Sundays and holidays was $1\frac{1}{2}$ times their normal rate. That part took of the character of being a condition of service.

But I cannot agree with the union when it says that employment on Sundays is also a part of the condition of service. If I turn to the Joshi Agreement of 1948, I find this sentence:

"The option of permitting workers to work on Sundays or recognised days of weekly rest of closed holidays should rest with the management."
(Explanation B).

So it appears that the management has the discretion to employ or not to employ workers to work on Sundays. I get further in the said Joshi Agreement that the management should employ the minimum number of workers to work on Sundays. The agreement stands thus:

"The guiding principle should be that only the minimum number of workers considered essential should be called for such work."

This makes it abundantly clear that all the chaprasis should not be employed to work on Sundays. Rather the freedom of the management for such employment has been restricted. So this can never be a condition of service. Besides, if the matter is viewed from another angle we come to the same conclusion. These chaprasis were originally daily rated workers. 'No work, no pay', was the principle which governed them. Next, when they were made monthly rated, they got one advantage or privilege. They worked for 26 days in a month but got 30 days pay. So practically they were entitled to 4 days wages extra in a month even without work. Now on the top of this if the workers claim that they should be given $1\frac{1}{2}$ times wages for 4 Sundays in a month, that would mean that their claim extends to six more days' wages. Is this not an extravagant claim? The company contends that after reorganisation some of the chaprasis came to be attached to the offices while others were assigned to the watch and ward department. The offices remaining closed on Sundays, the chaprasis who were earmarked for offices, had no employment on Sundays. Those who were assigned to the Watch and Ward department had worked on Sundays but not all of them at a time. To secure an even distribution and to clinch the scope of any preferential treatment the management says that they have made the distribution of work on Sundays rest on rotational basis. Be that as it may, I can never think that the company must employ the chaprasis in offices on Sundays though there was no work for them. Neither can I go so far as to hold that though they are not so employed, they must be given six days extra wages in a month for 4 Sundays. So the union's claim to treat the employment on Sundays as a condition of service cannot be sustained on any ground. The union also concedes that for work on Sundays they were given one extra rest day in course of the week. That clearly shows that work on Sunday is not a condition of service. Such employment is more of the nature of an exception than a rule. The management could employ them on Sundays according to the exigencies of the situation. If it so employs, then the management must pay according to the rate which has become a condition of service. Thus the union apparently confused and mixed up these two portions, namely, employment on Sundays and the rate for such work instead of keeping them apart. As I have already noticed one is undoubtedly a condition of service, namely, the extra wages for employment on Sundays but the other is not, namely, the employment on Sundays which rested in the discretion of the management.

5. Next, I come to some of the arguments which the management advanced in the present case. It is the contention of the management that the grade which they fixed for the chaprasis covered any loss that the chaprasis might have sustained due to the stoppage of employment on Sundays. It is further contended that this scale was a pioneer on the field and was superior to other scales devised even subsequently. This is true. When the management prescribed the scale of Rs. 28-1-48 for the chaprasis, there was no fixed scale for the chaprasis at the time. The Majumdar Award do not provide for it. The scale provided for by the Jeejeebhoy Award, namely, Rs. 26- $\frac{1}{2}$ -30-1-40 is inferior to the present scale. But I am unable to accept the contention of the management that the fall in earnings of the chaprasis due to the stoppage of work on Sundays was made good by the aforesaid scale of the management. The contention of the union, namely, that if it was a fact, then employment on Sundays would not be allowed to continue even after the introduction of the above scale. But it is admitted that employment on Sundays did continue even after the above scale, that is in some cases after 1957 and in other cases after 1958. The witness examined on behalf of the management could not satisfactorily prove before the Tribunal how this fall in earnings was off set by the above scale. According to his calculation 4 Sundays' extra earnings were equivalent to 6 days wages and this

amount was Rs. 9-6-0. But 6 days wages would be 1/5th of the monthly earnings which was about Rs. 75/-. So the fall in earnings would be about Rs. 15/- per month. The union says that it is Rs. 25/- per month. This is, however, not covered by the above scale. There is also another point which exposes the hollowness of the above contention of the management. It is admitted that even now chaprasis under the Watch and Ward department get 6 days extra wages for work on 4 Sundays in a month in addition to their monthly wages. Now if the monthly wages had covered the extra wages meant for 4 Sundays' work in a month, then why should the chaprasis in the Watch and Ward department get further payment for such work on Sundays. So I accept the union's contention that the management's version in this respect is not tenable. But the fact still remains that the employment on Sundays is not a condition of service.

6. There is another legal objection raised by the union, namely, that this stoppage of work on Sundays amounts to an adverse change and as such notice under Section 9A of the Industrial Disputes Act, 1947 since amended was obligatory. But here I think the union has misconceived the law. Though the withdrawal of a customary privilege might be a matter specified in the Fourth Schedule to the Industrial Disputes Act, 1947 since amended, being item No. 8, yet it not being in respect of a change in the condition of service, notice under Section 9A is out of place. If the company employed people to work on Sundays and withheld the extra wage at $1\frac{1}{2}$ times the normal rate for work on Sundays, then notice under Section 9A would have been obligatory. But being as it is, I do not think that such notice is called for and the contention on this head cannot prevail.

7. Having regard to all these facts and circumstances, I find that the management's action in the present case is justified. The other portion of the issue is also answered in view of the findings recorded, namely, that the workmen are not entitled to any relief in the present case. I make no order for costs.

(Sd.) G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;

The 22nd April, 1960.

[No. 1/48/59-LR-II.]

New Delhi, the 14th May 1960

S.O. 1299.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bank of Bihar Limited, Patna and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.**

REFERENCE No. 54 OF 1959

AND

REFERENCE No. 61 OF 1959.

PARTIES:

Employers in relation to the Bank of Bihar Ltd., Patna

AND

Their employees.

PRESENT:

Shri G. Palit, M.A., B.L., Chairman,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri K. M. Menon,

Assistant Secretary, Bank of Bihar Ltd., Patna,—
for employers.

Shri S. K. Ghosh,

General Secretary,
Bengal Provincial Bank Employees Association.

Shri Phudeo C. Verma,

General Secretary, Bank of Bihar Employees Association.

Shri Ragho Nandan Prasad, Vice President,

Bank of Bihar Employees Association.

Shri Baleshwar Roy, Executive Member,

Bank of Bihar Employees Association,—
for the workmen.

STATE: Bihar.

INDUSTRY: Banking.

Dhanbad, dated the 28th April, 1960.

AWARD

The Ministry of Labour & Employment, Government of India, by its Order No. LR.II/10(14)/57, dated 19th August 1959 and also by its Order No. LR.II-10(124)/59, dated 13th October 1959 referred the aforesaid two disputes under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947) for adjudication to the Industrial Tribunal at Dhanbad presided over by Shri S. M. Merchant. As his service ceased to be available consequent on his transfer to Bombay, these two cases were withdrawn by Order No. 4/47/59-LR.II dated the 13th January 1960 and they were transferred to me as the Presiding Officer of the Industrial Tribunal at Dhanbad, for disposal.

2. The issues contained in the Schedule to the order of reference in Case No. 54 of 1959 and in Reference No. 61 of 1959 stood respectively as follows:—

(Reference No. 54 of 1959)

“Whether the members of the supervisory staff including the Accountants and the Branch Managers of the Bank of Bihar are “workmen” as defined in Section 2(s) of the Industrial Disputes Act, 1947, as amended by the Industrial Disputes Act, 1947, as amended by the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, and if so, whether they should have all or any of the benefits admissible to workmen under the Award of the All India Industrial Tribunal (Bank Disputes) constituted by the Government of India in the Ministry of Labour No. S.R.O. 35, dated 5th January 1952 as modified by the Industrial Disputes (Banking Companies Decision) Act, 1955.”

(Reference No. 61 of 1959)

“Whether Sarvashri B. N. Jha, Baleswar Roy, B. N. Sharma and J. N. C. Deepok, workmen of the Advance Department of the Bank of Bihar Ltd., Patna, are entitled to a special allowance of Rs. 40/- per mensem as prescribed in paragraph 164 of the Award of the All India Industrial Tribunal (Bank Disputes) as modified by Section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955? If so, the date from which they are so entitled?”

3. These two cases have been taken up together because they relate to the same identical question of law. The Bank of Bihar Limited, Patna, has raised a preliminary legal objection, namely, that these two cases are liable to be quashed. Firstly, because the Bank of Bihar Ltd. is a party to the National Industrial Tribunal with headquarters at Bombay as per notification, dated 21st March 1960 presided over by Shri Justice Kantilal Thakordas Desai, Judge, Bombay High Court, published in the Gazette of India Extraordinary, Part II, Section 3(ii) of 21st March 1960. The matter of these two pending references in question is identical with the matter in issue before the said National Industrial Tribunal. They rely in support of their contention on Section 10(1A) and sub-section (6)(a) of the Industrial Disputes Act, 1947 since amended in 1956.

4. Turning to the said notification I find that the Bank of Bihar Limited figures as item No. 6 in Schedule I to the Order of Reference to the said National

Industrial Tribunal. Regarding the second point I find that the subject matter in issue before the present Tribunal in these two pending references coincides practically with some of the issues before the said National Tribunal as per Schedule II of the said reference. In para 6 of the written statement submitted by the Bank of Behar Employees Association, Patna, in Reference No. 54 of 1959, I get that the benefits claimed are, apart from the scale of pay, dearness allowance, special benefits *inter alia* relating to working hours, overtime, promotion, liability to transfer, retrenchment benefits, special allowance, and procedure relating to disciplinary actions. In Reference No. 61 of 1959 there is only a claim of special allowance, for certain classes. Now if I turn to the issues as per Schedule II in the Order of Reference to the National Industrial Tribunal, I get mention of scales of pay, and methods of their adjustment, dearness allowance, other allowances, about confirmation of temporary employees and fixation of pay on promotion to higher grade, hours of work and overtime, procedure for termination of employment and taking other disciplinary action, categories of workmen to whom the award of the Tribunal should be applicable and also defects and anomalies in the operation of the existing award. Thus it is clear that the subject matter to be traversed in these pending two proceedings is identical with that to be gone into by the said National Industrial Tribunal. It will be incumbent upon the said National Industrial Tribunal in order to determine the categories of workmen to whom the award should be made applicable, to decide whether the supervisory staff including the accountants and branch managers are workmen, or not. A Tribunal will have no jurisdiction unless the employees before it are workmen as defined under Section 2(s) of the Industrial Disputes Act, 1947. If they are not workmen, the dispute regarding them will cease to be an industrial dispute and the Tribunal will be wanting in jurisdiction to adjudicate upon the said dispute. Under Section 10(6) of the Act as soon as any reference is made to a National Industrial Tribunal concerning a matter which is already pending before any other Tribunal, the proceeding in the latter Tribunal will be deemed to have been quashed. Such other Tribunal will have no jurisdiction to adjudicate upon such matter any longer, subsequent to the reference to the National Industrial Tribunal. This being the position, the present Tribunal ceased to have any jurisdiction to decide the disputes as per these two references and the proceeding before it are deemed to have been quashed, because the subject matter in the proceeding before this Tribunal and before the National Industrial Tribunal in question happens to be identical.

5. It is contended by the representatives of the union that the Bank of Behar Limited was shelving this issue from time to time and as soon as the reference has been made to the National Industrial Tribunal it clutches at the said reference to further stave off the settlement of the dispute in question. That may be true to a certain extent. But there is no escape from the position in law even if that so occurred. It is really unfortunate that the bank employees though they have been striving so hard during the last few years have not been any nearer to the solution of their troubles. There was the All India Industrial Tribunal (Bank Disputes) presided over by Shri Justice K. C. Sen as far back as 1949. But the said Sen Award published on 12th August 1950 was declared void by the Hon'ble Supreme Court of India on certain technical grounds. Thereafter another All India Industrial Tribunal (Bank Disputes) presided over by Shri S. P. Sastri came to be held. His award was published on 26th March 1953. There was an appeal to the Labour Appellate Tribunal and the decision was given in April 1954. As the said decision was to some extent anomalous the Government of India referred the matter to a Commission known as the Bank Award Commission presided over by Shri Justice Gajendragadkar, a Judge of the Bombay High Court (now a Judge of the Hon'ble Supreme Court of India). The said Commission made certain recommendations. The decision of the Labour Appellate Tribunal together with the said recommendations suggested by the Bank Award Commission was given a statutory effect by the Industrial Disputes (Banking Companies Decision) Act, 1955 (Act XXXX of 1955). This Act is still binding. There is now the present reference to the National Industrial Tribunal presided over by Shri Justice K. T. Desai of the Bombay High Court. To get speedy solution the disputes were referred to the Central Industrial Tribunal so far as the Bank of Behar Limited was concerned but unfortunately that reference is also now quashed. But there is no help in the matter. It is argued by the learned representative of the union that as they have claimed the relief from a retrospective date the present issue may be taken to be different from the issue before the National Industrial Tribunal. But this is covered by the Item No. 17 of the issues before the National Industrial Tribunal as per Schedule II, namely, the date of effect of the new award and under Item No. 19 defects and anomalies in the operation of the existing award. So in that view also the matter seems to be identical.

6. So considering all these facts and circumstances, I make an award that the present two references are taken as quashed. I make no order for costs. This order will govern both these two references tried analogously.

(Sd.) G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;
The 28th April, 1960.

[No. 10 (74) /57-LRII.]

New Delhi, the 16th May 1960

S.O. 1300.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Messrs Singho Mica Mining Company Limited and their workman.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD.**

REFERENCE No. 62 OF 1959.

PARTIES:

Employers in relation to Messrs. Singho Mica Mining Co. Ltd
P.O. Tisri, District Hazaribagh.

AND

Their workman.

PRESENT

Shri G. Palit, M.A./B.L., Chairman, Central Govt. Industrial Tribunal,
Dhanbad:

APPEARANCES:

Shri Hari Kanto Misra, The Zonal Manager, Singho Mica Mining Co. Ltd.,
for the employers.

No appearance on behalf of the workman.

STATE: Bihar.

INDUSTRY: Mica Mining.

Dhanbad, the 21st April 1960

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. LR-II-20(21)59 dated 22nd October 1959 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47) referred for adjudication the aforesaid industrial dispute to Shri Salim M. Merchant. As his services ceased to be available and also on grounds of convenience of parties and early disposal, the dispute was withdrawn under Section 33B (1) of the aforesaid Act and was referred again to me as Industrial Tribunal at Dhanbad for disposal by its order No. 4/47/59-LRII dated 13th January 1960.

2. The matter to be adjudicated was incorporated in the schedule to the Order of reference and stood as follows:—

- "1. Whether Shri Amarendra Mukherjee who was working as Magazine Clerk in the Pesham Division of the Mica Mining Co. Ltd. P.O. Tisri was stopped from work by the management after 26th April 1959 and whether the same was justified, if not, to what relief is he entitled?"
2. Whether the management was justified in paying Rs. 1.28 nP only per day to the workman considering the nature of his duties as Magazine Clerk from 25th August 1958 onwards and, if not, what should be his rate of pay from that date?"

3. Notices were issued as usual. The union applied for time for filing the written statement. Time was further extended. Then it appeared to the Tribunal that the workman did not choose to file any written statement. However, a further opportunity was given and a peremptory notice was sent to the workman through the union that if no statement was forthcoming within ten days the reference might be disposed of for non-prosecution. Then it appears that on 31st January 1960 Shri Amarendra Mukherjee filed a written statement through the union. This was, however, missed and so the case was taken up for *ex-parte* trial and the evidence in that connection was recorded. But then it was detected that the written statement had been filed. So instead of passing an award on the *ex-parte* evidence a fresh notice was issued to both parties fixing 29th February 1960 for positive hearing. On that date the opposite party Shri Amarendra Mukherjee did not take any steps while the employer sent a telegram praying for an adjournment. It was adjourned to 29th March 1960 and was further adjourned to 19th April 1960. The opposite party remained absent throughout. So the case was finally taken up for *ex-parte* hearing on 19th April 1960. No fresh evidence was taken, there being already *ex-parte* evidence on record. The award was reserved.

4. According to Shri Amarendra Mukherjee he worked as Magazine Clerk in the Singho Mica Mining Co. Ltd., P.O. Tisri and was responsible for indents and issue of explosives to 11 mines. He had to work overtime but was not given any extra payment for the same. His persistent demand for such payment fell on deaf ears. When he pressed for the claim, he was given an arbitrary and illegal order of discharge. Nobody took charge of the stock of explosives from him. According to the management, on 26th April 1959 some explosive came from Pesham mine. Shri Sukhla Turi who was the Sirdar on duty asked Amarendra Babu to take the explosives but the latter refused. The matter was reported to the authorities but their order also was not heeded. So the clerk in charge had to receive those explosives. Shri Amarendra Mukherjee at first refused to hand over the key but he ultimately gave it. He was given a charge sheet. He did not reply to it nor did he report for duty. Another charge sheet was issued on 28th April 1959. But he neither replied to the charge sheet nor did turn up for duty. So on 1st May a further charge sheet was given. On that day he took his wages as usual and left the camp without permission. Then he sent a letter through the union marked Exhibit-2. He refused to come in spite of repeated letters. He was given service rate of wages which the company maintains is fair. In the circumstances, the company was in a fix and so this long absence of duty was construed by the company as resignation. The company denies having stopped Shri Amarendra Mukherjee from work on 26th April 1959. Shri Mukherjee is not justified in absentsing without permission or in refusing to give reply to the charge sheet. He is entitled to no relief. The issue No. 1 is thus answered by me.

5. Regarding the issue No. 2, as there was no prescribed grade for the duties done by Amarendra Mukherjee, he was taken as an assistant to the clerk in charge of the explosives. In such circumstances I cannot refuse to accept the company's version, that his daily wages of Rs. 1.28 NP has been fair. So his daily rate is not liable to be revised. It could not be shown by him that he was entrusted with any extra responsibility in the matter, being not the clerk in charge but merely his assistant. The management was justified in taking him on daily rate as it had given. This rate is not liable to be increased. Issue No. 2 is thus answered.

Dhanbad, The 21st April 1960.

(Sd.) G. PALIT,

Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.

[No. 20/21/59-LR-II.]

ORDERS

New Delhi, the 10th May 1960

S.O. 1301.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pure Golukdih Colliery,

Post Office Jharia, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Pure Golukdih Colliery, Pure Golukdih Coal Company, Post Office Jharia (Dhanbad) was justified in dismissing Shri Nagwantlal, trammer? If not, to what relief is the workman entitled?

[No. 2/27/60-LRII.]

New Delhi, the 12th May 1960

S.O. 1302.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the Khas Karanpura Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the retrenchment of Sarvashri D. K. Sengupta, Prabhu Dayal and P. R. Sarkar, with effect from 16th November, 1959 was justified. If not, to what relief are they entitled?

[No. 2/81/60-LRII.]

New Delhi, the 16th May 1960

S.O. 1303.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the Central Kirkend Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Central Kirkend Colliery were justified in dismissing Sarvashri Madan Singh, Kesho Mahto, Sital Dusadh and Naurangi Dusadh, miners. If not, to what relief are they entitled and from which date?

[No. 2/95/60-LRII.]

S. N. TULSIANI, Under Secy.

New Delhi, the 13th May 1960

S.O. 1304.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 31st July, 1956, to the factory known as the Maharashtra Sugar Mills Ltd., P. O. Tilaknagar, District Ahmednagar, there was in existence a provident fund common to the employees

employed in the factory, to which the said Act applies and the employees in their other establishments mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that that provisions of that Act shall also apply to the aforesaid other establishments.

SCHEDULE

1. The Maharashtra Sugar Mills Ltd., Distillery Department, P.O. Tilaknagar, District Ahmednagar.
2. The Maharashtra Sugar Mills Ltd., Loco Department, P.O. Tilaknagar, District Ahmednagar.
3. The Maharashtra Sugar Mills Ltd., Truck Department, P. O. Tilaknagar, District Ahmednagar.
4. The Maharashtra Sugar Mills Ltd., Sanitation Department, P.O. Tilaknagar, District Ahmednagar.
5. The Maharashtra Sugar Mills Ltd., Civil Engineering Department, P.O. Tilaknagar, District Ahmednagar.
6. The Maharashtra Sugar Mills Ltd., Guest House Gardens Department, P.O. Tilaknagar, District Ahmednagar.
7. The Maharashtra Sugar Mills Ltd., Main Gate Department, P.O. Tilaknagar, District Ahmednagar.
8. The Maharashtra Sugar Mills Ltd., Fire Brigade Department, P.O. Tilaknagar, District Ahmednagar.
9. The Maharashtra Sugar Mills Ltd., Watch and Ward (General) Department, P.O. Tilaknagar, District Ahmednagar.
10. The Maharashtra Sugar Mills Ltd., General Office, P.O. Tilaknagar, District Ahmednagar.
11. The Maharashtra Sugar Mills Ltd., Trolley Line Department, P.O. Tilaknagar, District Ahmednagar.
12. The Maharashtra Sugar Mills Ltd., Telephone Department, P.O. Tilaknagar, District Ahmednagar.
13. The Maharashtra Sugar Mills Ltd., Grain Godown Department, P.O. Tilaknagar, District Ahmednagar.
14. The Maharashtra Sugar Mills Ltd., Transportation Department, P.O. Tilaknagar, District Ahmednagar.
15. The Maharashtra Sugar Mills Ltd., Motor Department, P.O. Tilaknagar, District Ahmednagar.
16. The Maharashtra Sugar Mills Ltd., Head Office, Industrial Assurance Building, Opposite Churchgate Station, Fort, Bombay-1.

[No. P. F. II 57(24)37.]

New Delhi, the 16th May 1960

S.O. 1305.—In exercise of the powers conferred by sub-section (2) of section 16 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby exempts all handloom factories organised as industrial co-operatives as a class, from the provisions of the said Act for a further period of five years from the 1st January, 1960.

[No. 9(7)/60-PF.II.]

P. D. GAIHA, Under Secy.

ORDER

New Delhi, the 10th May 1960

S.O. 1306.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the Bharat Line Limited, Bombay and their workmen regarding the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the retrenchment of Sarvashri D. V. Vora, R. S. Shah, P. B. Pednakar, T. T. Shah, C. J. Rathod, A. T. Maniar, S. H. Yadav and P. S. Sheth affected by the management is proper? If not, should these workmen be reinstated with back wages?

[No. 28/28/60-LRIV.]

P. R. NAYAR, Under Secy.

CORRIGENDUM

New Delhi, the 17th May 1960

S.O. 1307.—In the Ministry of Labour and Employment Notification No. 2/3/60-MI dated the 21st April, 1960, published as S.O. 1061 at page 1382 of the Gazette of India, Part II, Section 3—Sub-section (ii) dated the 30th April, 1960, for the entry "Shri S. N. Sharma, I.A.S.," in the two places where it occurs, read "Shri S. N. Sharma".

[No. 2/3/60-MI.]

B. R. KHANNA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 12th May 1960

S.O. 1308.—In exercise of the powers conferred by proviso to sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958 read with sub-rule (3) of rule 9 of the said Rules, the Central Government hereby appoints Dr. Gaurinath Sastri as a member of the Advisory Panel of the Central Board of Film Censors at Calcutta with immediate effect.

[No. 11/3/59-FC.]

S.O. 1309.—In exercise of the powers conferred by sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri Monishi Roy as a member of the Advisory Panel of the Central Board of Film Censors at Calcutta with immediate effect.

[No. 11/3/59-FC.]

D. R. KHANNA, Under Secy.